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ACTION DRL-02

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FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC PRIORITY 7170

UNCLAS E F T O SECTION 01 OF 19 BOGOTA 001282

DEPT FOR DRL/CRT, ARA/AND, ARA/PPCP

SENSITIVE
NOFORN

E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, CO

SUBJECT: POST'S UPDATES/SUGGESTED CHANGES TO V-1 DRAFT OF
1998 COUNTRY HUMAN RIGHTS REPORT FOR COLOMBIA

REFS: A) DEPARTMENT'S V-1 VERSION OF THE 1998 COUNTRY HUMAN
RIGHTS REPORT FOR COLOMBIA (FAXED TO POST 1/20/99)
B) 98 BOGOTA 12020

1. SENSITIVE BUT UNCLASSIFIED/NOFORN -- ENTIRE TEXT.

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2. FOLLOWING ARE UPDATES/SUGGESTED CHANGES TO V-1 DRAFT OF
THE 1998 COUNTRY HUMAN RIGHTS REPORT FOR COLOMBIA -

NOTE: AFTER THE FIRST INTRODUCTORY NOTE, ALL STAND-ALONE
PARAGRAPHS IN THE V-1 -- WHETHER PROPOSED TEXT OR NOTES TO
POST -- ARE CONSIDERED SEPARATE PARAGRAPHS FOR COUNTING
PURPOSE IN THIS CABLE.

NOTE: EMBASSY'S PROPOSED CHANGES WITH PARTICULAR POLICY
RELEVANCE ARE FLAGGED THROUGHOUT THIS REPORT WITH "*****".

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: JAMES F COOPER
DATE/CASE ID: 08 MAY 2009 200800267

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INTRODUCTION

3. PARA THREE, FIRST SENTENCE: RE FIRST NOTE: 11,000-17,000 REPRESENTS AN UPDATE FROM LAST YEAR'S PUBLISHED ESTIMATE OF 10,000-15,000. MAKE NO CHANGE.

4. PARA THREE, SECOND SENTENCE: CHANGE 1,074 MUNICIPALITIES TO 1,073. (RE SECOND NOTE: CORRECT.)

5. PARA THREE, CHANGE THIRD SENTENCE TO READ AS FOLLOWS: "THE MAJOR GUERRILLA ORGANIZATIONS RECEIVED... FROM FEES LEVIED ON NARCOTICS TRAFFICKING AND PRODUCTION." (RATIONALE: CHANGE BASED ON THE FACT THAT GUERRILLAS DO NOT LEVY FEES ON "ALL" STAGES, SUCH AS THE FINAL STAGES, OF NARCOTICS TRAFFICKING, WHICH TAKE PLACE OUTSIDE OF COLOMBIA. END NOTE.)

6. PARA THREE, LAST LINE: REPLACE "LARGE AREAS" WITH MANY SPARSELY-POPULATED RURAL AREAS". (RATIONALE: ACCURACY; AVOIDS MISTAKEN IMPRESSIONS.)

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7. PARA FOUR: REPLACE "JULY 10" WITH "JULY 9" (RATIONALE: FACTUAL ACCURACY). PLACE QUOTES AROUND THE NAME "MANUEL MARULANDA VELEZ". (RATIONALE: IT IS A NOM DE GUERRE). REPLACE "TALKS WAS HELD IN COLOMBIA ON OCTOBER 12." WITH "TALKS HELD IN COLOMBIA ON OCTOBER 12 YIELDED PLANS FOR A NATIONAL CONVENTION IN 1999 TO DISCUSS POLITICAL SOLUTIONS TO THE CONFLICT."

8. PARA FIVE: RE NOTE: YES, ASSERTION IN FIRST SENTENCE IS STILL CORRECT. SECOND SENTENCE: CHANGE "DEPARTMENT OF ADMINISTRATIVE SECURITY" TO "ADMINISTRATIVE DEPARTMENT OF SECURITY." FOURTH SENTENCE: CHANGE "SEVERAL GENERAL OFFICERS WERE" TO "ONE GENERAL OFFICER WAS". (RATIONALE: FACTUAL ACCURACY; FYI: GENERAL MILLAN.)

9. *** PARA FIVE, FINAL SENTENCE: DELETE SENTENCE ENTIRELY. (NOTE: RATIONALE: REDUNDANT TO FIRST SENTENCE OF PARA SEVEN. REPORT INTRO SHOULD STATE THIS ONLY ONCE, NOT TWICE.)

10. PARA 6, REPLACE WITH: "DESPITE YEARS OF DRUG- AND POLITICALLY-RELATED VIOLENCE, COLOMBIA'S ECONOMY IS DIVERSE AND DEVELOPED. TRADE AND FINANCIAL ACTIVITY HAS BEEN LIBERALIZED, AND MANY PUBLIC-SECTOR ENTITIES PRIVATIZED, SINCE 1991. GDP GROWTH HAS SLOWED IN RECENT YEARS, AND THE

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1998 GROWTH RATE OF TWO PERCENT WAS ONE OF THE LOWEST EVER. TO DEFEND THE PESO, THE CENTRAL BANK RAISED INTEREST RATES DRASTICALLY EARLY IN 1998. THE RESULT WAS A RECESSIONARY CLIMATE AND RECORD UNEMPLOYMENT RATES (NEARLY 16 PERCENT) IN THE LAST HALF OF THE YEAR. INFLATION ENDED THE YEAR AT
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UNDER 17 PERCENT, A FIFTEEN-YEAR LOW. COLOMBIA'S BALANCE-OF-PAYMENTS AND FISCAL DEFICITS BOTH ROSE TO DANGEROUS LEVELS. INCOME DISTRIBUTION IS BADLY SKEWED; PER CAPITA GDP IN 1998 WAS ROUGHLY USD 2500. THE VARIOUS ARMED CONFLICTS COST THE COUNTRY AT LEAST 3 PERCENT OF GDP GROWTH ANNUALLY." (RATIONALE: UPDATED ECONOMIC STATISTICS REQUIRED.)

11. ***** AFTER PARA 6 (ON ECONOMY): INSERT FOLLOWING NEW PARA: "FOR THE FIRST NINE MONTHS OF THE YEAR, RELIABLE, NON-GOVERNMENTAL SOURCES DEEMED THE STATE RESPONSIBLE FOR 2.2 PERCENT OF EXTRAJUDICIAL KILLINGS, THE PARAMILITARIES FOR 76.5 PERCENT, AND THE GUERRILLAS FOR 21.3 PERCENT. THE STATE WAS RESPONSIBLE FOR 5.6 PERCENT OF ALL INTERNATIONAL HUMANITARIAN LAW VIOLATIONS, THE PARAMILITARIES FOR 66.3 PERCENT, AND THE GUERRILLAS FOR 28.1 PERCENT. THE STATE WAS RESPONSIBLE FOR 6 PERCENT OF FORCED DISPLACEMENTS DURING 1998, THE PARAMILITARIES FOR 54 PERCENT, AND THE GUERRILLAS FOR 29 PERCENT. DESPITE THE FACT THAT GUERRILLAS WERE 2-3 TIMES AS NUMEROUS AS PARAMILITARIES, GOVERNMENT FORCES ARRESTED SIMILAR NUMBERS OF BOTH DURING THE YEAR." (RATIONALE: EMBASSY INSISTS ON THIS NEW PARA WHICH ALLOWS THE READER TO READILY DRAW CONCLUSIONS REGARDING COMPARATIVE

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	USIE-00	PRM-01	G-00	MR-00	NFAT-00	SAS-00	/020W

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E.O. 12958: N/A
TAGS: PHUM, ELAB, KSEP, CO
SUBJECT: POST'S UPDATES/SUGGESTED CHANGES TO V-1 DRAFT OF 1998 COUNTRY HUMAN RIGHTS REPORT FOR COLOMBIA

CULPABILITY FOR DIFFERENT HUMAN RIGHTS/INTERNATIONAL HUMANITARIAN LAW VIOLATIONS WITHOUT HAVING TO SEARCH THROUGH THE TEXT FOR EACH INDIVIDUAL STATISTIC. LACKING THE PROMINENT INCLUSION OF THIS PARAGRAPH IN THE INTRODUCTION, THE REPORT'S HEAVY EMPHASIS ON STATE VIOLATIONS IS UNBALANCED AND MISLEADING.)

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12. ***** SEVENTH PARA, FIRST SENTENCE SHOULD READ, "THE GOVERNMENT'S HUMAN RIGHTS RECORD IMPROVED, ALTHOUGH SERIOUS PROBLEMS REMAIN IN CERTAIN AREAS." (RATIONALE: FACTUAL ACCURACY; AS NOTED ABOVE, THE GOVERNMENT'S HUMAN RIGHTS PERFORMANCE IMPROVED IN MOST KEY AREAS COMPARED TO 1997 STATISTICS: EXTRAJUDICIAL KILLINGS, DISAPPEARANCES, TORTURE, VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW. THUS, THIS PROPOSED SENTENCE COMES STRAIGHT FROM PAGE 14 OF THE DEPARTMENT'S JULY 1998 GUIDANCE, "REFERENCE SOURCE FOR THE PREPARATION AND DRAFTING OF THE ANNUAL REPORTS." THIS IS THE LANGUAGE TO EMPLOY, IT SAYS "FOR GOVERNMENTS THAT DEMONSTRATED SOME IMPROVEMENT, BUT NONETHELESS CONTINUE TO VIOLATE THEIR PEOPLE'S RIGHTS IN CERTAIN AREAS." POST STRONGLY ARGUES, AND BELIEVES ALL THE DATA SUPPORT THE VIEW, THAT THAT IS PRECISELY THE CASE OF COLOMBIA IN 1998.)

13. *** PARA SEVEN: CHANGE SECOND SENTENCE TO READ: "INCLUDING EXTRAJUDICIAL KILLINGS, ALTHOUGH THE GOVERNMENT'S SHARE OF EXTRAJUDICIAL KILLINGS FELL TO 2.2 PERCENT OF ALL SUCH CRIMES DURING THE FIRST NINE MONTHS OF 1998 (OR 17 MURDERS)." (RATIONALE: FACTUAL ACCURACY.)

14. *** PARA SEVEN, THIRD SENTENCE: CHANGE "MEMBERS OF THE SECURITY FORCES AND POLICE" TO "OFFICERS OF THE SECURITY FORCES AND POLICE." (RATIONALE: POST BELIEVES IMPUNITY APPLIES MUCH MORE BROADLY TO OFFICERS THAN TO ENLISTED PERSONNEL.)

15. *** PARA SEVEN: CHANGE FIFTH SENTENCE TO BEGIN,

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"SECURITY FORCES WERE RESPONSIBLE FOR ONE KNOWN INSTANCE OF UNCLASSIFIED

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FORCED DISAPPEARANCE AND ISOLATED INSTANCES OF TORTURE."
(RATIONALE: FACTUAL ACCURACY. THESE ARE THE DATA, AND ARE KEY INDICATORS OF IMPROVEMENT IN HR OBSERVANCE.)

16. PARA SEVEN: INSERT A NEW PARAGRAPH BREAK BEFORE "CONDITIONS IN THE OVERCROWDED PRISONS..."

17. *** PARA SEVEN, SENTENCE SIX ("AT TIMES THE SECURITY FORCES COLLABORATED..."): DELETE SENTENCE ENTIRELY.
(RATIONALE: REDUNDANT TO SENTENCE IN PARA FIVE. REPORT INTRO SHOULD STATE THIS ONLY ONCE, NOT TWICE.)

18. *** PARA SEVEN, LINES 30-31: INSERT "ELEMENTS OF THE SECURITY FORCES, AS WELL AS PARAMILITARIES, GUERRILLAS, AND NARCOTRAFFICKERS, HARASSED AND THREATENED HUMAN RIGHTS GROUPS." (RATIONALE: FACTUAL ACCURACY; POST DOES NOT SUPPORT THE BLANKET JUDGEMENT THAT "THE SECURITY FORCES", AS SUCH, WERE RESPONSIBLE.)

19. PARA EIGHT, SENTENCE TWO: REPLACE "4,000 TO 6,000" WITH "5,000 TO 7,000". (RATIONALE: UPDATED ESTIMATE.)

20. **** PARA EIGHT, FIFTH SENTENCE, MODIFY AS FOLLOWS:
"IN SOME LOCATIONS THE ARMY ATTACKED AND CAPTURED MEMBERS OF SUCH GROUPS; IN OTHERS, SOME OF ITS MEMBERS TOLERATED OR EVEN ILLEGALLY COLLABORATED WITH PARAMILITARY GROUPS."
(RATIONALE: GRAMMAR/FACTUAL ACCURACY.)

21. PARA NINE, THIRD SENTENCE: CHANGE "DISPLACED 241,000 CIVILIANS FROM THEIR HOMES DURING THE FIRST NINE MONTHS OF THE YEAR" TO "DISPLACED APPROXIMATELY 300,000 CIVILIANS FROM UNCLASSIFIED

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THEIR HOMES DURING THE YEAR." (RATIONALE: REFLECT NEW ANNUALIZED DATA FROM CODHES). REGARDING THE NOTE, POST CONCURS WITH THE DEPARTMENT'S FORMULATION OF THE LAST SENTENCE.

RESPECT FOR HUMAN RIGHTS, SECTION 1
RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:
A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

=====

22. *** PARA ONE (NOTE): POST TAKES EXCEPTION TO THE "DICTATORSHIP OF FORMAT" IMPOSED BY THE DEPARTMENT, WHICH

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OBLIGATES THAT "STATISTICS BE DIVIDED" INTO SEPARATE DISCUSSIONS OF GOVERNMENT, PARAMILITARY AND GUERRILLA ABUSES IN THAT ORDER. WHILE POST UNDERSTANDS THE MOTIVATIONS FOR THIS, WE STRONGLY ARGUE THAT SUCH FORMATTING STANDARDS SHOULD NOT BE FOLLOWED TO THE POINT AT WHICH IT MISLEADS READERS. FOR EXAMPLE, THE COLOMBIA V-1 HAS REMOVED IN VIRTUALLY EVERY CASE SENTENCES WHICH PUT IN ONE PLACE THE RELATIVE RESPONSIBILITY OF STATE AGENTS, PARAMILITARIES AND GUERRILLAS FOR GIVEN TYPES OF VIOLATIONS -- EVEN WHEN THE SENTENCE FAITHFULLY FOLLOWED THE PRESCRIBED ORDER FOR LISTING STATE, PARAMILITARY AND GUERRILLAS CULPABILITY.

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	OPIC-01	PRS-00	P-00	SP-00	SS-00	STR-00	TRSE-00
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E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, CO

SUBJECT: POST'S UPDATES/SUGGESTED CHANGES TO V-1 DRAFT OF 1998 COUNTRY HUMAN RIGHTS REPORT FOR COLOMBIA

LET'S REMEMBER THAT THE PURPOSE OF THE REPORT IS TO INFORM, NOT CONFUSE. WE STRONGLY BELIEVE THIS IS ESPECIALLY IMPORTANT IN THE INTRODUCTION TO THE REPORT.

23. PARA TWO, FIFTH SENTENCE: CHANGE "7.5 PERCENT" TO "4 PERCENT." (RATIONALE: THIS CHANGE REFLECTS FINAL 1997 CINEP
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STATISTICS; THE 7.5 PERCENT QUOTED WAS ACTUALLY THE FIRST
NINE MONTHS STAT FOR 1997.)

24. *** PARA TWO, SECOND SENTENCE: REPLACE "2,400 TO 3,600" WITH "2,000 - 3,000." (RATIONALE: UPDATED DATA; POST CANNOT ACCURATELY NARROW THIS RANGE, AND BELIEVES ANY EFFORT TO DO SO WOULD ENTAIL ARBITRARY JUDGEMENTS.)

25. PARA TWO, THIRD SENTENCE: DELETE ENTIRELY.
(RATIONALE: REDUNDANT; ADDS NOTHING OVER THE NEXT SENTENCE, WHICH PROVIDES SPECIFICITY AS WELL.)

26. PARA TWO, FIFTH SENTENCE: CHANGE TO: "THIS REPRESENTED A DECREASE FROM 1997, WHEN THE MILITARY WERE DEEMED RESPONSIBLE FOR 4 PERCENT OF SUCH KILLINGS." (RE NOTE: CINEP BEGAN USING A DATA PROCESSING PROGRAM IN 1998 IN WHICH IT FOUND A BUG IN NOVEMBER. THIS PROBLEM HAS BEEN CORRECTED. OTHERWISE, WE UNDERSTAND CINEP'S METHODOLOGY TO BE THE SAME FROM PREVIOUS YEARS.)

27. IN RESPONSE TO THE PARA 3 NOTE: ADD "ACCORDING TO NGO CINEP, ON JULY 24, SOLDIERS OF THE BOYACA BATTALION OF THE ARMY'S 3RD BRIGADE EXECUTED FIVE CIVILIANS WHOM THEY SUSPECTED OF BEING MEMBERS OF THE FARC'S 58TH FRONT AT A ROADBLOCK AT SAN PABLO MUNICIPALITY, NARINO DEPARTMENT. THE BODIES OF THE FIVE (IDENTIFIED AS ACCOUNTANT MARIO BURGOS ARCOS, FORMER POLICEMAN CARLOS BETANCUR GARCIA, AND MERCHANTS MARTIN ESTACIO CEBALLO, CARLOS OBANDO CABRERA, AND JOSE CALDERON RIASCOS) REPORTEDLY SHOWED SIGNS OF TORTURE. ACCORDING TO THE MINISTRY OF DEFENSE, AN INVESTIGATION BY THE MILITARY JUDICIARY OF THE INCIDENT WAS UNDERWAY AT

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YEAR'S END."

28. *** PARA FIVE: UPDATE/REPLACE ENTIRELY SO AS TO READ (IN FULL): "THE HUMAN RIGHTS DELEGATE OF THE ATTORNEY GENERAL'S OFFICE DEALT WITH 467 CASES DURING 1998. IT CONCLUDED INVESTIGATIONS FOR ALLEGED INFRACTIONS COMMITTED IN PREVIOUS YEARS BY 173 MEMBERS OF THE SECURITY FORCES, A MAJORITY OF WHOM WERE OFFICERS. SEVENTY-TWO OF THE 173 INVESTIGATIONS RESULTED IN EXONERATIONS, AND THE OFFICE IMPOSED ADMINISTRATIVE SANCTIONS (E.G., FINES, TEMPORARY SUSPENSIONS, DISMISSALS) IN THE OTHER 99 CASES. (THE REMAINING TWO INVESTIGATION SUBJECTS DIED DURING THE COURSE OF THE INVESTIGATIONS.) OF THE 173 SECURITY FORCE MEMBERS INVESTIGATED IN CRIMINAL ACTIVITY, 77 WERE MEMBERS OF THE

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ARMY AND 71 WERE MEMBERS OF THE NATIONAL POLICE. THE REMAINDER WERE MEMBERS OF OTHER STATE SECURITY ORGANS. TWO HUNDRED AND NINETY-FOUR CASES WERE "ARCHIVED" BECAUSE THE CASES WERE FOUND TO BE EITHER WITHOUT MERIT OR BECAUSE SUFFICIENT EVIDENCE WAS LACKING. THE MOST COMMONLY CITED OFFENSE WAS TORTURE, FOLLOWED BY MASSACRES, HOMICIDES, FORCED DISAPPEARANCES, AND ARBITRARY DETENTIONS. IT REMAINS UNCLEAR HOW MANY OF THE 99 ADMINISTRATIVELY SANCTIONED WERE SUBSEQUENTLY REFERRED TO THE PROSECUTOR GENERAL FOR CRIMINAL PROSECUTION, OR HOW MANY OF THESE ADMINISTRATIVE SANCTIONS WERE THE RESULT OF PREVIOUS CRIMINAL INVESTIGATIONS."

(RATIONALE: UPDATED STATISTICS/INFORMATION. RE FINAL NOTE: INFORMATION COMPARING THE ADMINISTRATIVE AND CRIMINAL SANCTIONS FOR HR CRIMES IS SIMPLY UNAVAILABLE. WOULD THAT IT WERE.....)

29. *** BETWEEN PARAS 5 AND 6, ADD NEW PARA: "DURING THE
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YEAR, THE HUMAN RIGHTS UNIT OF THE PROSECUTOR GENERAL'S OFFICE PURSUED 65 CRIMINAL PROCESSES AGAINST MEMBERS OF THE SECURITY FORCES AND CIVILIAN OFFICIALS, 77 PROCESSES AGAINST PARAMILITARIES, 25 PROCESSES AGAINST GUERRILLAS, AND 33 PROCESSES AGAINST PRIVATE CIVILIANS. IN TOTAL, IT ISSUED 276 ARREST WARRANTS DURING 1998, ON THE BASIS OF WHICH 60 PERSONS WERE ARRESTED. AMONG THE 74 MILITARY PERSONNEL AGAINST WHOM IT TOOK ACTION FOR ALLEGED, SERIOUS HUMAN RIGHTS ABUSES WERE ONE BRIGADIER GENERAL, SEVEN COLONELS, EIGHT MAJORS, FIVE CAPTAINS, AND TWO LIEUTENANTS."

(RATIONALE: AFTER DISCUSSION OF EFFORTS BY THE HUMAN RIGHTS OMBUDSMAN'S OFFICE AND THE ATTORNEY GENERAL'S OFFICE TO BRING HUMAN RIGHTS ABUSERS TO JUSTICE, WE SHOULD NOTE SIMILAR EFFORTS BY THE HUMAN RIGHTS UNIT OF THE PROSECUTOR GENERAL'S OFFICE.)

30. PARA SIX: REPLACE FIRST SENTENCE WITH: "IN A PRELIMINARY, END-OF-YEAR REPORT, THE NATIONAL INSTITUTE FOR FORENSIC MEDICINE STATED THAT AT LEAST 19,665 PEOPLE WERE MURDERED DURING 1998. HOMICIDE WAS THE CAUSE OF 53.7 PERCENT OF ALL DEATHS DURING THE YEAR (NATURAL DEATHS REPRESENTED JUST 9.7 PERCENT OF THE TOTAL). IN 1997 (THE

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E.O. 12958: N/A
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MOST RECENT YEAR FOR WHICH COMPLETE, FINAL STATISTICS WERE
AVAILABLE), THE INSTITUTE CITED A NATIONAL HOMICIDE RATE OF
60 DEATHS PER 100,000 INHABITANTS." (RE NOTE: 60 WAS THE
INSTITUTE'S FINAL, CONFIRMED FIGURE FOR 1997. AS MENTIONED
ABOVE, FULL-YEAR STATISTICS ON THE PREVIOUS YEAR AVAILABLE
FROM THE INSTITUTE EACH JANUARY ARE PRELIMINARY STATISTICS
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ONLY.)

31. **** AFTER PARA SIX: INSERT NEW PARAGRAPH: "IN MAY THE
ARMY FORMALLY DISBANDED THE 20TH BRIGADE (MILITARY
INTELLIGENCE), WHICH HAD AN EGREGIOUS HUMAN RIGHTS RECORD
INCLUDING THE TARGETED KILLING OF CIVILIANS. IN AN EFFORT
TO ENSURE THAT THE BRIGADE'S SUCCESSOR ORGANIZATION, THE
ARMY MILITARY INTELLIGENCE CENTER (CIME), WOULD NOT COMMIT
HUMAN RIGHTS ABUSES, THE ARMY PROHIBITED IT FROM DIRECTLY
UNDERTAKING ARMED OPERATIONS. THE PROSECUTOR GENERAL'S
OFFICE ORDERED OCTOBER 16 THE ARREST OF COL. BERNARDO RUIZ
SILVA (RET.), THE 1995 COMMANDER OF THE 20TH BRIGADE, IN
CONNECTION WITH THE NOVEMBER 1995 BOGOTA ASSASSINATION OF
OPPOSITION CONSERVATIVE SENATOR ALVARO GOMEZ HURTADO AND HIS
ASSISTANT. AT YEAR'S END, HOWEVER, COL. RUIZ REMAINED A
FUGITIVE." (RATIONALE: FIRST TWO SENTENCES APPEARED IN THE
V-1 IN SECT. 1.G. POST BELIEVES THIS LANGUAGE MORE
APPROPRIATELY BELONGS IN SECTION 1.A., RATHER THAN SECTION

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1.G. NOT ALL OF THE EXTRAJUDICIAL KILLINGS LINKED TO THE 20TH BRIGADE TOOK PLACE AS PART OF THE INTERNAL (COUNTER-GUERRILLA) CONFLICT. GOMEZ HURTADO'S DEATH IS ONE SUCH EXAMPLE.)

32. PARA SEVEN, IN BOTH LINE ONE AND LINE SEVEN: REPLACE "EIGHT" WITH "SEVEN". LINE SEVEN, APPEND TO END", ALTHOUGH THREE WERE FUGITIVES FROM JUSTICE AT YEAR'S END." (RATIONALE: NINE COPS WERE TRIED; SEVEN WERE SENTENCED BY A PALMIRA COUNTY COURT TO 27 YEARS' IMPRISONMENT EACH. ONE WAS EXONERATED, AND ONE OTHER WAS FREED "CONDITIONALLY." THREE OF THE SEVEN FLED BEFORE THEIR INCARCERATION, AND ARE FUGITIVES FROM JUSTICE. POST HAS SO FAR BEEN UNABLE TO

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CONFIRM THAT THERE WAS ANY JUDICIAL ACTION ON THIS CASE
DURING 1998, AND WILL FOLLOW UP.)

33. PARA EIGHT (TURRA CASE), LINE THREE: REPLACE "PRISON" WITH "POLICE STATION" (RATIONALE: ACCURACY. RE NOTE: NO UPDATE AT THIS TIME. ACCORDING TO THE MOD, A DECISION REGARDING THE APPEAL IS EXPECTED IN MARCH 1999.)

34. PARA 9 ("THE GOVERNMENT BROUGHT SEVERAL..."): REPLACE ENTIRE PARA WITH: "THE MILITARY JUDICIARY CONVICTED 76 SECURITY FORCE MEMBERS, INCLUDING THREE POLICE OFFICERS AND ONE ARMY OFFICER, OF 'POSSIBLE' HUMAN RIGHTS VIOLATIONS DURING THE YEAR. TWENTY-NINE WERE CONVICTED OF HOMICIDE, 41 OF ASSAULT, FOUR OF 'DEPRIVATION OF LIBERTY,' ONE OF ABUSE OF AUTHORITY, AND ONE OF RAPE. HOWEVER, THE MINISTRY OF DEFENSE REPORTED NEITHER THE NATURE OF SENTENCES IN THE 76 CASES NOR THE CIRCUMSTANCES OF THE CRIMES. THE CIVILIAN PROSECUTOR GENERAL'S OFFICE PURSUED CASES AGAINST 74 SECURITY FORCE MEMBERS FOR HUMAN RIGHTS CRIMES DURING THE YEAR, INCLUDING 22 ARMY OFFICERS AND TWO MARINE OFFICERS." (RATIONALE: AT MOST, THERE MAY/MAY BE ONE OFFICER (AN ARMY CAPTAIN) WHO MEETS THE CRITERIA LAID OUT IN THE ORIGINAL PARA. IF THAT INDEED WERE THE CASE, THE ORIGINAL PARA WOULD HAVE BEEN RENDERED INACCURATE. THEREFORE, IT SHOULD BE DELETED. WE BELIEVE THE STATISTICS FROM THE MILITARY JUDICIARY AND THE PROSECUTOR GENERAL'S OFFICE ARE NOTEWORTHY, ESPECIALLY INsofar AS THEY DEMONSTRATE CONTRASTS IN WILLINGNESS BY THE TWO INSTITUTIONS TO BRING ARMY OFFICERS TO JUSTICE. ADDITIONALLY, SECOND SENTENCE OF CURRENT PARA BELONGS IN 1.E. (WHERE IT IS DISCUSSED); ALSO, WE KNOW THAT SOME OFFICERS (E.G., IN THE SEGOVIA CASE AND

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SEVERAL OTHERS) WERE RESTRICTED TO BASE, WHICH ACCORDING TO
THE FISCALIA, THE PENAL CODE AUTHORIZES IS AN ACCEPTABLE
SUBSTITUTE WHEN MILITARY JAILS OR PRISONS ARE UNAVAILABLE.

35. PARA ELEVEN ("IN MAY..."), FIRST SENTENCE: CHANGE
"RELIEVE" TO "SEPARATE FROM SERVICE." (RATIONALE:
ACCURACY/CLARITY.) AFTER FIRST SENTENCE, INSERT: "(A LIGHT
PUNISHMENT, THE SEVERE REPRIMAND IS NOTED IN THE SECURITY
FORCE MEMBER'S PERSONNEL FILE, AND CAN AFFECT HIS CHANCES
FOR PROMOTION)." (RATIONALE: DITTO.)

36. PARA ELEVEN, MODIFY LAST SENTENCE TO CONCLUDE AS
FOLLOWS: "...EXONERATED A LIEUTENANT COLONEL OF CHARGES
RELATED TO THE 1993-1994 BARRANCABERMEJA MURDERS." (NOTE:
WE REGRET THAT THE DEPARTMENT INTENDS TO REMOVE THE NAMES OF
THE OFFENDERS, MARINE LT. COL. RODRIGO ALFONSO QUINONEZ,
MARINE MAJOR JAIRO OSORIO MORALES, ARMY MAJORS WALTER
HURTADO MORALES AND JOSE FERNANDO LEE URIBE, AND MARINE
THIRD SERGEANT CARLOS LOPEZ MAQUILLON, FROM THIS PARA.
THEIR INCLUSION IS USEFUL AS A MATTER OF RECORD.)

37. PARA ELEVEN, RE NOTE AT END OF PARA: YES, THE MINISTRY

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OF DEFENSE HAS CONFIRMED TO US THAT ALL HAVE BEEN RESTRICTED
TO THEIR BASES, WHICH UNDER THE COLOMBIAN PENAL CODE, IS
ACCEPTABLE IN THE ABSENCE OF MILITARY PRISON FACILITIES.

38. PARA THIRTEEN, RE NOTE: NO OBJECTION.

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39. PARA FOURTEEN ("ON APRIL 7..."): POST SUGGESTS
REPLACING THE ENTIRE PARAGRAPH WITH THE FOLLOWING
PARAGRAPHS: "ON MARCH 31, AN ANONYMOUS CIVIL COURT JUDGE
SENTENCED TO EIGHTEEN YEARS' IMPRISONMENT ON CHARGES OF
TERRORISM FIVE FORMER POLICE AND ARMY OFFICERS (INCLUDING
ARMY LIEUTENANT COLONEL ALEJANDRO LONDONO TOMAYO, THEN IN
COMMAND OF THE BOMBONA BATTALION OF THE 14TH BRIGADE, AND
LIEUTENANT COLONEL MARCO BAEZ GARZON), FOR COMPLICITY IN THE
NOVEMBER 11, 1988, MASSACRE BY PARAMILITARIES OF 49 PEOPLE
AND THE INJURY OF 56 OTHERS AT SEGOVIA, ANTIOQUIA
DEPARTMENT. IN A SEPARATE MILITARY TRIAL, THE FIVE
OFFICERS, A WELL AS THREE OTHERS, WERE EXONERATED BY THE
SUPERIOR MILITARY TRIBUNAL DECEMBER 22 ON RELATED CHARGES
ALSO STEMMING FROM THE SEGOVIA MASSACRE.

40. DESPITE HIS CIVILIAN COURT CONVICTION, LT. COL. LONDONO
WAS NEVER DETAINED, AND REMAINED ON ACTIVE DUTY AT THE END
OF THE YEAR WITH THE ARMY'S LOGISTICAL SUPPORT BRIGADE IN
BOGOTA. WHILE IT WAS ASSERTED THAT LONDONO WAS ENTITLED TO
CONTINUE ON ACTIVE DUTY STATUS BECAUSE THE CIVILIAN
JUDICIARY HAD YET TO RULE ON HIS APPEAL, LONDONO SHOULD HAVE
BEEN IN PREVENTIVE DETENTION, STRIPPED OF HIS UNIFORM AND
REMOVED FROM ACTIVE MILITARY SERVICE, ACCORDING TO BOTH THE
PROSECUTOR GENERAL'S OFFICE AND THE DEFENSE MINISTRY'S OWN
HUMAN RIGHTS OFFICE. AFTER HIS CONVICTION AND SENTENCING,
LT. COL. BAEZ GARZON ALSO REMAINED ON ACTIVE DUTY WITH THE
ARMY'S THIRD BRIGADE IN CALI. IN SEPTEMBER, HOWEVER, HE WAS
RELIEVED OF HIS RESPONSIBILITIES AS DEPUTY BRIGADE
COMMANDER, PLACED ON HALF PAY, AND RESTRICTED TO THE THIRD
BRIGADE'S BASE."

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42. PARA 15, LINES 7-8: REPLACE "ON CHARGES RELATED TO"
WITH "ON CHARGES, INTER ALIA, RELATED TO". (RATIONALE: HE

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WAS CHARGED IN CONNECTION WITH SEVERAL CRIMES, NOT JUST THE 19 MERCHANTS CASE.)

43. PARA 15, LINE 8, RE NOTE: THE MERCHANTS MASSACRE OCCURRED IN "THE MAGDALENA MEDIO REGION."

44. *** PARA 15, LINES 9-14: REPLACE OPENING OF SENTENCE TO READ, "LONG SUSPECTED OF BEING A PATRON OF PARAMILITARY GROUPS, YANINE DIAZ WAS ACCUSED OF IMPLEMENTING A STRATEGY TO HAVE PARAMILITARY GROUPS...." (RATIONALE: THIS IS THE FIRST POST HAS EVER HEARD OF YANINE DIAZ BEING ACCUSED OF HAVING BEEN A FOUNDER OF "MAS", PER SE. FYI: "MAS" WAS FOUNDED BY THE OCHOAS OF THE MEDELLIN CARTEL AFTER THE 1981 M-19 KIDNAPPING OF ONE OF THEIR SISTERS, BLANCA NIEVE. WE HAVE NO INFORMATION TO LINK YANINE DIAZ TO EITHER THE OCHOAS OR MAS AT THAT TIME. NOR DOES HIS NAME APPEAR AMONG THE LIST OF 159 PERSONS, INCLUDING DOZENS OF MILITARY PERSONNEL, THE PROCURADURIA PUBLICLY ACCUSED IN 1983 OF BEING BEHIND "MAS". WE ALSO NOTE THAT BY THE MID-1980'S ALL SORTS OF ACTIONS WERE COMMITTED IN THE NAME OF "MAS", ACTIONS WHICH WERE ACTUALLY CARRIED OUT BY UNRELATED ILLEGAL ARMED GROUPS. INDEED, THE GROUPS HE DID HELP ESTABLISH IN THE MAGDALENA MEDIO WERE DISTINCT FROM MAS, EVEN IF THEY MIGHT HAVE HAD SOME INDIRECT TIES OVER THE YEARS.)

45. RE NOTE: AT YEAR'S END, THE COMPLAINT AGAINST YANINE DIAZ REMAINED AT THE INTER-AMERICAN COMMISSION FOR HUMAN RIGHTS, AND HAD NOT GONE TO THE INTER-AMERICAN COURT.

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46. **** PARA 16, SENTENCE THREE (THE AUTHORITIES PROMOTED THREE...): DELETE/REVISE SENTENCE. AT A MINIMUM, DEPENDING UPON HOW WASHINGTON RESPONDS TO THE FOLLOWING PARAGRAPHS OF COMMENTS RE PARA 16, WASHINGTON WILL HAVE TO REWORK THIS SENTENCE SUBSTANTIALLY. (RATIONALE: THE STATEMENT THAT BRIGADIER GENERALS RITO ALEJO DEL RIO AND FERNANDO MILLAN WERE PROMOTED DURING 1998 IS FACTUALLY INACCURATE/INACCURATE. DEL RIO AND MILLAN WERE NOT/NOT ON THE DECEMBER 1998 PROMOTION LIST; GENERAL HERNANDEZ, HOWEVER, WAS PROMOTED, RECEIVING HIS THIRD "SUN" AT THAT TIME. THAT ALL THREE GOT NEW JOBS IN LATE 1998 IS NOT A PROMOTION, PER SE, BUT SIMPLY PART OF THE ANNUAL ROTATION OF GENERAL OFFICERS, IN WHICH ALL GET NEW JOBS.)

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FIRST TIME IN A COLOMBIA ANNUAL HR REPORT, PUBLICLY EXPRESS THE USG JUDGMENT THAT PARTICULAR, INDIVIDUALLY-IDENTIFIED ACTIVE-DUTY ARMY GENERALS ARE ACTIVELY COMPLICIT IN PARAMILITARISM. IF WASHINGTON WANTS TO TAKE THIS GROUND-BREAKING STEP, POST WANTS TO ENSURE THAT THIS ISSUE HAS BEEN

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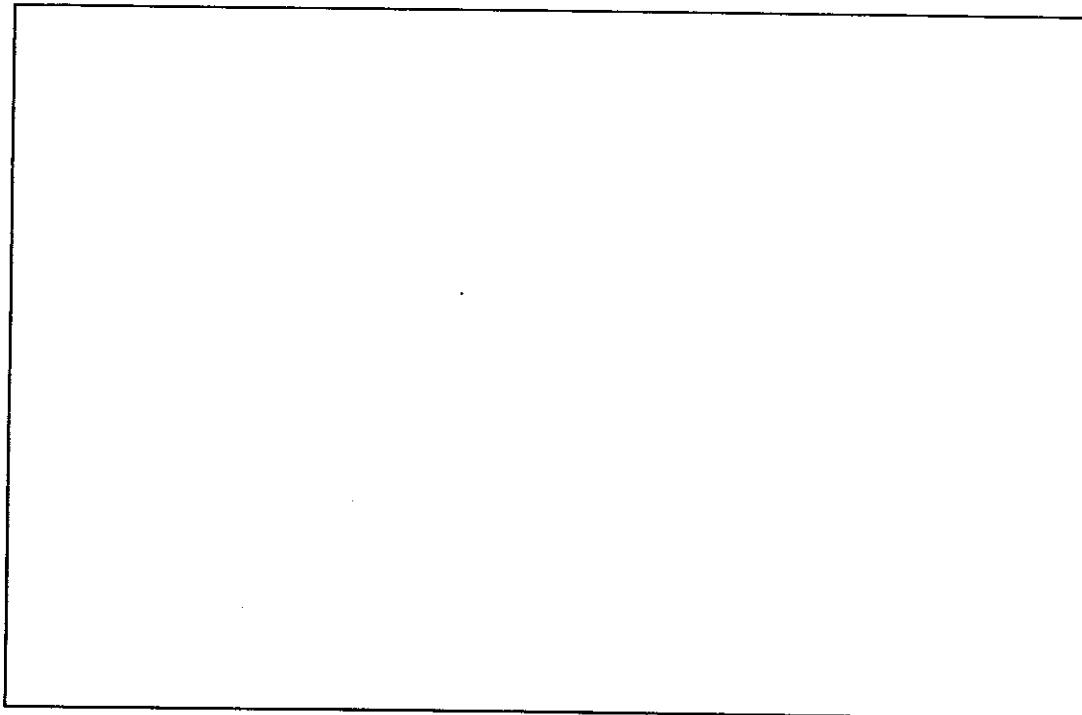
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51. PARA 17, THIRD SENTENCE: REPLACE "THOUSANDS" WITH "SOME 2,000". (RATIONALE: FACTUAL ACCURACY, RELATING TO A KEY CASE. FYI: THE TOWN'S TOTAL POPULATION IS ONLY A FEW THOUSAND.)

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52. PARA 17, PENULTIMATE SENTENCE: REPLACE "TRANSPORTING THE PERPETRATORS OF THE ATTACK TO MAPIRIPAN" WITH "TRANSPORTING THE PERPETRATORS OF THE ATTACK TO THE NEARBY SAN JOSE DEL GUAVIARE MUNICIPAL AIRFIELD." (RATIONALE: ACCURACY; THE PLANES FLEW INTO SAN JOSE, NOT DIRECTLY INTO MAPIRIPAN.) RE FINAL NOTE: THERE ARE NO FURTHER DEVELOPMENTS TO REPORT.

53. PARA 18, AFTER FIRST SENTENCE: INSERT: "THE ATTORNEY GENERAL'S OFFICE WAS FORCED TO CLOSE ITS INVESTIGATION OF BRIGADIER GENERAL AGUSTIN ARDILA URIBE, THEN COMMANDER OF THE FOURTH DIVISION, WHEN ARDILA RETIRED IN 1997. THE OFFICE MAY INVESTIGATE ONLY ACTIVE DUTY PERSONNEL." (RATIONALE: COMPLETENESS/ACCURACY/DEMONSTRATES LIMITATION ON PROCURADURIA INVESTIGATIONS.)

54. PARA 19, ADD NEW LAST SENTENCES: "GENERAL DEL RIO DENIED THE CHARGES, AND IN DECEMBER, THE PROSECUTOR GENERAL'S OFFICE DROPPED ALL CHARGES AGAINST HIM FOR LACK OF

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EVIDENCE." (NOTE: POST BELIEVES THAT, AS IN THE CASE OF DEL RIO, THE PASSAGE RE MILLAN IN THIS PARAGRAPH SHOULD ALSO INCLUDE REFERENCE TO MILLAN'S HAVING DENIED THE CHARGES AGAINST HIM.)

55. PARA 22, LINE ONE: REPLACE "A PARAMILITARY GROUP" WITH "THE AUSAC PARAMILITARY GROUP". (RATIONALE: CLARITY/ACCURACY.)

56. PARA 22: REPLACE REMAINING TEXT AFTER FIRST NOTE WITH: "TEN ARMY AND POLICE MEMBERS WERE UNDER INVESTIGATION BY THE UNCLASSIFIED

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 PROSECUTOR GENERAL'S OFFICE FOR COMPLICITY IN THE ATTACK AT YEAR'S END, AND ONE OF THE TEN, ARMY CORPORAL RODRIGO PEREZ PEREZ, HAD BEEN DETAINED ON SUSPICION OF HAVING PARTICIPATED DIRECTLY IN THE ATTACK. AUSAC PARAMILITARY LEADER GUILLERMO CRISTANCHO ACOSTA (AKA "CAMILO MORANTES"), WHO PUBLICLY ADMITTED HAVING ORDERED THE KILLINGS, HAD NOT YET BEEN DETAINED AT YEAR'S END. POLITICALLY MOTIVATED KILLINGS AND RELATED UNREST CONTINUED IN BARRANCABERMEJA AT AN EXTRAORDINARY RATE THROUGHOUT THE YEAR."

57. PARA 22, FINAL SENTENCE ("KNOWN PARAMILITARY LEADERS...") : MOVE TO END OF PARA 24 (SEE BELOW). (RATIONALE: PROPER PLACE FOR THIS DISCUSSION.)

58. PARA 24: RE NOTE: TEXT IS CORRECT. NO NEW INFORMATION TO ADD.

59. PARA 24: APPEND TO END OF CURRENT TEXT: "EVEN WHILE AN ESTIMATED 400 PARAMILITARY MEMBERS WERE BELIEVED TO BE IN JAIL AT YEAR'S END, KNOWN PARAMILITARY LEADERS LARGELY REMAINED BEYOND THE REACH OF THE LAW. NINETEEN PARAMILITARY FOLLOWERS OF VICTOR CARRANZA ESCAPED FROM BOGOTA'S MAXIMUM

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SECURITY PRISON ON MAY 21. SIMILARLY, THE REPORTED FINANCE
CHIEF FOR THE ACCU PARAMILITARY GROUP, JACINTO ALBERTO SOTO
TORO, ESCAPED FROM JAIL SEVERAL MONTHS AFTER HIS CAPTURE IN
ANTIOQUIA."

60. PARA 25 (SOCIAL CLEANSING), RE NOTE: YES, THE POLICE
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HAVE BEEN IMPLICATED. CINEP ATTRIBUTES TWO "SOCIAL
CLEANSING" MURDERS AND ONE "SOCIAL CLEANSING" INJURY TO
POLICE DURING THE FIRST NINE MONTHS OF 1998. BASED ON OUR
OWN INFO, POST BELIEVES THE TRUE NUMBER WAS HIGHER.

61. AFTER PARA 25, ADD TWO NEW FOLLOWING PARAS: "THE
SKELETONS OF TWENTY-FIVE CHILDREN WERE FOUND IN A COMMON
GRAVE NOVEMBER 7 NEAR PEREIRA, RISARALDA DEPARTMENT.
FORENSICS EXPERTS CONCLUDED THAT THE CHILDREN HAD BEEN
MURDERED. SOME OBSERVERS SPECULATED THAT THE KILLINGS MAY
HAVE BEEN THE RESULT OF A SOCIAL CLEANSING CAMPAIGN; OTHERS
SUSPECTED SATANIC CULT MEMBERS WERE RESPONSIBLE. IN
DECEMBER, THE PROSECUTOR GENERAL'S OFFICE ARRESTED PEDRO
PABLO RAMIREZ GARCIA IN RELATION TO THE CRIMES. BOGOTA
PRESS REPORTED IN DECEMBER THAT THE PROSECUTOR GENERAL'S
OFFICE HAD DEVELOPED A LIST OF 15 PEOPLE IT BELIEVED MAY
HAVE BEEN INVOLVED.

62. MARINE COLONEL JOSE ANCIZAR MOLANO PADILLA, THEN-
COMMANDER OF THE 2ND MARINE INFANTRY BATTALION, AND MARINE
SERGEANTS JAVIER FERNANDO GUERRA, EDUARDO ARISTIDES ALVAREZ,
AND JORGE MILTON CAICEDO WERE ARRESTED IN JUNE FOR THE MAY
1995 SOCIAL CLEANSING MURDERS OF TWO ALLEGED THIEVES,

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SIFREDY AND FREDDY ARBOLEDA. PROSECUTOR GENERAL'S OFFICE INVESTIGATORS FOUND THE TWO CADAVERS AND THOSE OF OTHER VICTIMS IN THE GARBAGE DUMP OF THE 2ND MARINE INFANTRY BATTALION AT TUMACO, NARINO IN 1995. MOLANO AND THE THREE SERGEANTS WERE IN DETENTION AND UNDERGOING CIVILIAN JUDICIAL PROCESSING AT YEAR'S END."

63. PARA 25 ("ON FEBRUARY 27): RE NOTES: NO, WE HAVE NOT
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SEEN THE FIVE CHARACTERIZED AS PARAMILITARY MEMBERS. WE
HAVE NO FURTHER UPDATES.

64. PARA 26, FIRST SENTENCE: THE CORRECT PLACE NAME IS "EL CARMEN," NOT "EL CARME." RE FIRST NOTE, WE BELIEVE THE TWO REMAINED IN PRISON SINCE THE TIME OF THEIR ARREST. RE SECOND NOTE, THE SABANA DE TORRES MAYOR WAS MURDERED IN 1987.

65. REPLACE PARA 28 WITH: "EDUARDO UMANA MENDOZA, PERHAPS COLOMBIA'S BEST-KNOWN AND MOST CONTROVERSIAL HUMAN RIGHTS LAWYER, WAS KILLED IN HIS BOGOTA OFFICE APRIL 18 BY THREE PEOPLE POSING AS JOURNALISTS. THE PROSECUTOR GENERAL'S OFFICE DETAINED IN NOVEMBER FABIO MOSQUERA URIBE, VICTOR MANUEL CAMPUZANO, HERNANDO ALBERTO ARAQUE MARMOL, AND REGNER ANTONIO MOSQUERA VELASCO ON SUSPICION OF INVOLVEMENT IN THE KILLING. IT SUSPECTED MOSQUERA OF INTELLECTUAL AUTHORSHIP OF THE CRIME. IN DECEMBER, IT ALSO ARRESTED JOSE BERNARDO HERNANDEZ OSSA AND TERESA DE JESUS LEAL MEDINA. THE LATTER REPORTEDLY SERVED AS THE LINK BETWEEN THE CRIME'S INTELLECTUAL AUTHORS AND UMANA'S KILLERS."

66. PARA 29: REPLACE "NO SUSPECTS WERE IDENTIFIED IN THE CASE" WITH "THE POLICE ARRESTED SEVERAL PERSONS IN AUGUST AND CHARGED THEM IN CONNECTION WITH THE CASE." (RATIONALE: UPDATE; NOTE: WE HAVE NO ADDITIONAL INFO BEYOND THIS.)

67. REPLACE PARA 30: "FIVE PEOPLE ALLEGEDLY LINKED TO PARAMILITARY GROUPS WERE INDICTED (AND THREE OF THEM DETAINED) IN SEPTEMBER 1998 FOR THE MAY 1997, MURDERS OF TWO CINEP WORKERS, MARIO CALDERON AND ELSA ALVARADO, AND
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ALVARADO'S FATHER, CARLOS. THE THREE WHO WERE DETAINED ARE WALTER JOSE ALVAREZ RIVERA, GABRIEL JAIME ALVAREZ PANIAGUA, AND PABLO VANDERLEY VARGAS GARCIA. THE PROSECUTOR GENERAL'S OFFICE ALSO ORDERED THE ARREST OF ACCU PARAMILITARY LEADERS

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CARLOS AND FIDEL CASTANO (THE LATTER IS WIDELY BELIEVED TO BE DEAD) IN RELATION TO THE CRIMES, BUT NEITHER HAD BEEN DETAINED AT YEAR'S END. CARLOS CASTANO DENIED THE CHARGES. ON DECEMBER 26, THE PROSECUTOR GENERAL'S OFFICE ALSO ARRESTED BROTHERS JUAN CARLOS AND FERNANDO GONZALEZ JARAMILLO FOR ALLEGEDLY HAVING PARTICIPATED IN THE ASSASSINATIONS. MEDELLIN NARCOTRAFFICKER GUSTAVO ADOLFO UPEGUI LOPEZ, SUSPECTED BY MANY OF HAVING BEEN THE INTELLECTUAL AUTHOR OF THE CRIME, WAS ARRESTED IN NOVEMBER ON UNRELATED MURDER CHARGES."

68. PARA 31: FIRST SENTENCE SHOULD READ: "NARCOTICS TRAFFICKERS ALSO WERE RESPONSIBLE FOR OTHER KILLINGS." LAST SENTENCE: REPLACE "EITHER" WITH "THE". (RE NOTE: CORRECT.)

69. PARA 32 ("CATHOLIC PRIEST..."), RE NOTE: YES, HE WAS CHARGED; PROSECUTION CONTINUES.

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	IO-00	LAB-01	L-01	ADS-00	NSAE-00	NSCE-00	OIC-02
	OPIC-01	PRS-00	P-00	SP-00	SS-00	STR-00	TRSE-00
	USIE-00	PRM-01	G-00	NFAT-00	SAS-00	/020W	

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70. PARA 33, SECOND SENTENCE SHOULD READ: "ACCORDING TO CINEP, GUERRILLAS COMMITTED 160 HOMICIDES OUTSIDE OF COMBAT

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DURING THE FIRST NINE MONTHS OF 1998." (RATIONALE: UPDATED STATISTICS.)

71. PARA 35, LINE TWO: "COMPLAINS" SHOULD BE "COMPLAINTS".
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72. PARA 36 (MACHUCA INCIDENT): MOVE PARA. POST RECOMMENDS THAT THIS CASE BE INCLUDED IN SECTION 1.G., RATHER THAN IN SECTION 1.A. ALSO, REPLACE SECOND SENTENCE WITH: "THE EXPLOSION STARTED A FIRE THAT KILLED 74, INCLUDING 38 CHILDREN. MORE THAN 50 WERE INJURED. IN NOVEMBER, THE ELN RETRACTED ITS PUBLIC ACCUSATION THAT THE ARMY HAD BEEN RESPONSIBLE FOR THE EXPLOSION, AND ADMITTED ITS OWN RESPONSIBILITY." (RATIONALE: UPDATED STATS/INFORMATION.) FINALLY, POST WOULD BE CURIOUS AS TO SOURCE OF STATEMENT THAT ELN KILLED 70 OTHER CIVILIANS IN OCTOBER.

73. **** PARAS 37-38: POST STRONGLY RECOMMENDS DELETING THIS ENTIRE TWO PARAGRAPH DISCUSSION OF THE U.P. (RATIONALE: THE ENTIRE TWO PARAS IS RECYCLED LANGUAGE FROM PREVIOUS YEAR'S REPORTS. THERE WAS NOTHING SIGNIFICANT TO REPORT IN 1998 AT ALL. RECOMMEND ENTIRE DISCUSSION, WHICH FOCUSES ON 10-15 YEAR OLD EVENTS, AND WHICH DOES NOT POINT TO ANY PARTICULAR ACTIVITIES DURING 1998, BE DROPPED.)

74. PARA 39, RE SEVEN QUESTIONS:

- (1) THE GOMEZ HURTADO CASE: ON OCTOBER 16, 1998, AN ARREST WARRANT WAS ISSUED FOR FORMER 20TH BRIGADE COMMANDER BERNARDO RUIZ SILVA. (NOTE: POST HAS ALREADY DEALT WITH THIS AFTER PARA 6, SECT. 1.A. END NOTE.)
- (2) THE RODRIGO CANAS CASE: THERE WERE NO NEW DEVELOPMENTS DURING 1998.
- (3) THE CEPEDA VARGAS CASE: DURING 1998, THE PROSECUTION RESTED, AND THE CASE NOW AWAITS A JUDGE'S FINAL DECISION.
- (4) THE LUIS ALFREDO RUBIO ROJAS CASE: THE PROSECUTOR

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GENERAL'S HUMAN RIGHTS UNIT ISSUED A WARRANT FOR HIS ARREST FOR THE CRIME OF TRAINING PARAMILITARIES.

- (5) THE GERARDO PALACIO CASE: THERE WERE NO NEW DEVELOPMENTS DURING 1998.
- (6) THE CIRO VARGAS CASE: THERE WERE NO NEW DEVELOPMENTS DURING 1998.
- (7) RE RETALIATORY VIOLENCE: YES; THE VIOLENCE COMES MOSTLY FROM THE FARC GUERRILLAS (THE PARAMILITARIES ARE ACTIVELY

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RECRUITING EX-GUERRILLAS).

75. POST SUGGESTS ADDING FOLLOWING PARA TO SECT. 1.A., BETWEEN PARAS 36 AND 36, AS THE MARIA ARANGO CASE HAS DRAWN MUCH ATTENTION DURING THE YEAR: "MARIA ARANGO FONNEGRA, A ONE-TIME COMMUNIST PARTY LEADER AND HUMAN RIGHTS ACTIVIST, WAS SHOT AT HER HOME NEAR BOGOTA APRIL 16. ACCORDING TO THE PROSECUTOR GENERAL'S OFFICE, HER KILLING WAS NOT POLITICALLY MOTIVATED, AS HAD BEEN GENERALLY PRESUMED."

B.DISAPPEARANCE

=====

76. PARA TWO: ENTIRE PARA SHOULD READ AS FOLLOWS: "NGO CINEP REPORTED THAT THE ARMY WAS RESPONSIBLE FOR JUST ONE CASE OF FORCED DISAPPEARANCE DURING THE FIRST NINE MONTHS OF 1998, AND THAT PARAMILITARIES WERE RESPONSIBLE FOR 126 CASES DURING THE SAME PERIOD. CINEP REPRESENTATIVES STATED THAT THEIR ESTIMATE THAT GUERRILLAS WERE NOT GUILTY OF ANY CASES OF FORCED DISAPPEARANCES MAY HAVE BEEN INACCURATE. IN MAY, MEMBERS OF THE AUSAC PARAMILITARY ORGANIZATION KIDNAPPED 25 PERSONS IN BARRANCABERMEJA (SEE SECTION 1.A.)." (RATIONALE: POST FINDS CINEP'S INFORMATION TO BE MORE CREDIBLE THAN CPDH'S, AND THUS RECOMMENDS DELETING THE SECOND, THIRD, AND UNCLASSIFIED

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FIFTH SENTENCES OF THIS PARA. ALSO, CURRENT FINAL SENTENCE SHOULD BE DELETED AS IT IS REDUNDANT TO FINAL SENTENCE OF PREVIOUS PARAGRAPH.)

77. PARA 3: NOTE: GENERAL'S LAST NAME IS VELANDIA HURTADO, NOT HURTADO. THE MOD REPORTED THAT THERE WAS NO RECORD OF ANY CASE AGAINST VELANDIA IN THE MILITARY JUDICIARY. THE MOD REPORTED THAT SUBSEQUENT TO THE ARREST OF POLICE MAJOR MANUEL DE JESUS LOZADA PLAZAS, HE WAS SUSPENDED FROM DUTIES AND PLACED ON HALF-PAY. THE CIVIL PROSECUTION OF THE CASE CONTINUES. WE KNOW OF NO RESULTS RE THE INVESTIGATION INTO GAULA COMPLICITY IN KIDNAPINGS OR GAULA-PARAMILITARY COOPERATION.

78. PARA 4: REPLACE WITH: "COLOMBIA LED THE WORLD IN KIDNAPINGS DURING 1998, ACCORDING TO THE BOGOTA OFFICE OF THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS. KIDNAPING WAS AN UNAMBIGUOUS, STANDING POLICY AND MAJOR SOURCE OF REVENUE FOR BOTH THE FARC AND ELN. NGO "PAIS LIBRE" REPORTED THAT THERE WERE 2,216 KIDNAPINGS DURING THE YEAR -- FULLY ONE-THIRD MORE CASES THAN IN 1997. OF THE CASES, 1,799 WERE FINANCIALLY MOTIVATED, AND 417 CASES WERE POLITICALLY

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MOTIVATED. PAIS LIBRE ATTRIBUTED 667 CASES TO THE FARC, 566
TO THE ELN, 109 TO THE EPL, 43 TO OTHER GUERRILLA GROUPS,
231 TO COMMON CRIMINALS, 20 TO PARAMILITARIES, AND 580 TO
"UNKNOWN ORGANIZATIONS." ACCORDING TO THE NGO, POLITICIANS,
CATTLEMEN, CHILDREN, AND BUSINESSMEN WERE GUERRILLAS'
PREFERRED VICTIMS. AMONG THE 2,216 KIDNAP VICTIMS WERE 131
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CHILDREN. ANTI-KIDNAPING UNITS ("GAULA") AND OTHER UNITS OF
THE SECURITY FORCES FREED 341 KIDNAP VICTIMS DURING THE
YEAR. 721 KIDNAP VICTIMS REMAINED IN CAPTIVITY AT THE END
OF THE YEAR, AND 82 WERE MURDERED. A TOTAL OF 1,039 KIDNAP
VICTIMS WERE FREED DURING THE YEAR THROUGH NEGOTIATION,
PAYMENT OF RANSOMS, OR UNILATERAL ACTION BY KIDNAPERS, AND
21 ESCAPED THEIR CAPTORS."

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT
OR PUNISHMENT

=====

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79. FIRST PARA: BEGINNING SHOULD READ, "THE CONSTITUTION AND CRIMINAL LAW EXPLICITLY PROHIBIT TORTURE, AS WELL AS CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT. REPORTS OF INCIDENTS OF POLICE AND MILITARY MISTREATMENT OR TORTURE OF DETAINEES, ALTHOUGH UNCOMMON, NEVERTHELESS CONTINUED. (NOTE: FULL 1998 FIGURES ON TORTURE CASES ARE NOT YET AVAILABLE FROM THE ATTORNEY GENERAL'S OFFICE.)

80. FIRST PARA, PENULTIMATE SENTENCE ("THERE HAS BEEN NO APPRECIABLE DECREASE..."): REPLACE WITH "THE OVERALL INCIDENCE OF TORTURE BY GOVERNMENT AGENTS CONTINUED TO DECLINE." (RATIONALE: IT IS OUR JUDGMENT THAT, INDEED, OVERALL LEVELS OF TORTURE HAVE INDEED DECLINED. THE AVAILABLE STATS BEAR THIS OUT.)

81. FIRST PARA, LAST SENTENCE: REPLACE "TORTURE OFTEN OCCURRED..." WITH "ABUSE OFTEN OCCURRED..." (RATIONALE: MUCH OF THE ABUSE THAT TAKES PLACE IN THIS CONTEXT FALLS SHORT OF THE DEFINITION OF TORTURE.)

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82. PARA TWO, REPLACE WITH: "CINEP DEEMED THE ARMY RESPONSIBLE FOR EIGHT TORTURE CASES DURING THE FIRST NINE MONTHS OF 1998, AND THE POLICE FOR NONE. IT ATTRIBUTED 41 OF THE REMAINING 42 CASES IT HAD DOCUMENTED TO PARAMILITARY GROUPS (THE REMAINING CASE WAS ATTRIBUTED TO THE ELN). CINEP'S ESTIMATE THAT GUERRILLA GROUPS WERE RESPONSIBLE FOR ONLY ONE INSTANCE OF TORTURE DURING THE FIRST NINE MONTHS OF 1998 WAS NOT CREDIBLE: THE BODIES OF MANY PEOPLE DETAINED AND SUBSEQUENTLY KILLED BY GUERRILLAS (AND BY PARAMILITARIES) SHOWED SIGNS OF TORTURE AND DISFIGUREMENT. FOR EXAMPLE, THE FARC'S 13TH FRONT ABDUCTED SOLDIER JUAN PAUL BECERRA EVANJUANOV AND HIS BROTHER, RESERVIST DAMACIO BECERRA EVANJUANOV, FROM THEIR PARENTS' HOME SEPTEMBER 24 WHILE THE TWO WERE ON LEAVE. GUERRILLAS TORTURED THE BROTHERS, DECAPITATED THEM, AND SENT THE HEADS TO THEIR PARENTS. THE NATIONAL INSTITUTE OF FORENSIC MEDICINE REPORTED THAT THE CADAVERS OF 325 OF THE 24,306 PEOPLE MURDERED DURING 1997 SHOWED SIGNS OF TORTURE."

83. PARA 3, LINE ONE: REPLACE "PARAMILITARY" WITH "PARAMILITARY AND GUERRILLA". (RATIONALE: ACCURACY. BY ACCEPTING THIS CHANGE, AND THE CHANGES TO PARA TWO ABOVE, POST BELIEVES PARA FIVE OF THIS SECTION COULD BE REMOVED ENTIRELY, AS REDUNDANT.)

84. PARA 4: POST BELIEVES THIS PARAGRAPH, DEALING WITH

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ABUSES AGAINST WOMEN, MORE PROPERLY BELONGS IN SECT. 5,
WOMEN, OR PERHAPS IN SECT. 1.G.

85. PARA 5: PROVIDED DEPARTMENT ACCEPTS POST'S SUGGESTED
LANGUAGE FROM PREVIOUS PARAGRAPHS IN THIS SECTION (ABOVE),
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POST SUGGESTS DELETING FIFTH PARAGRAPH COULD BE DELETED
ENTIRELY ON GROUNDS OF REDUNDANCY.

86. PARA SIX, ADD NEW FINAL SENTENCE: "THE NATIONAL POLICE
REPORTED IN DECEMBER THAT LA MODELO PRISON HAD THE HIGHEST
INCIDENCE OF HOMICIDE OF ANY 'NEIGHBORHOOD' IN BOGOTA."

87. PARA 7: REPLACE "FORTY-SIX" WITH "FORTY-SEVEN".
REPLACE "54" WITH "53". (RATIONALE: UPDATED STATS.)

88. PARA EIGHT, RE FIRST NOTE: NO FUNDAMENTAL
REFORMS/RESULTS OF THE TALKS, OTHER THAN A CESSATION OF THE
CIVIL DISOBEDIENCE CAMPAIGN. RE SECOND NOTE: NO MAJOR GUARD
STRIKES THIS YEAR, BUT SUGGEST THE LANGUAGE IN NEXT
PARAGRAPH BE ADDED INSTEAD.)

89. PARA EIGHT, APPEND TO END OF PARA: NINETEEN
PARAMILITARY SUPPORTERS OF VICTOR CARRANZA ESCAPED FROM
BOGOTA'S MAXIMUM SECURITY PRISON ON MAY 21. IN THE BIGGEST
SINGLE PRISON ESCAPE IN COLOMBIAN HISTORY, GUERRILLAS OF THE
FARC'S 6TH FRONT ATTACKED THE SAN ISIDRO PRISON IN POPAYAN
ON MAY 23. ONE GUARD AND TWO PRISONERS DIED IN THE ATTACK,

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WHICH FREED 324 PRISONERS, INCLUDING SEVERAL DOZEN FARC
GUERRILLAS." (RATIONALE: EXAMPLES/FACTUAL UPDATE.)

90. PARA NINE, LINE THREE: DELETE "AND PARAMILITARY."
(RATIONALE: NOT TRUE. INDEED, VICTOR CARRANZA, THE BIGGEST
PARAMILITARY IN DETENTION REMAIN CONFINED TO A SMALL HOLDING
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CELL.)

91. PARA ELEVEN, LINE TWO: REMOVE "PRIVATELY" (RATIONALE:
IT ADDS NOTHING.)

D. ARBITRARY ARREST, DETENTION, OR EXILE

=====

92. SECOND PARA, RE FIRST NOTE: YES, PROSECUTOR IS CORRECT
INTERPRETATION. (FYI: IT IS A PROSECUTOR -- WHO STILL HOLDS
MANY POWERS OF A FIRST-INSTANCE JUDGE UNDER THE PREVIOUS
CONSTITUTION, AND WHO THE CURRENT CONSTITUTION REFERS TO AS
"THE COMPETENT JUDGE" -- WHO ACTUALLY MAKES THIS
DETERMINATION. RE SECOND NOTE, CINEP RECORDED 24 CASES OF
ARBITRARY DETENTION DURING THE FIRST NINE MONTHS OF 1998.
(NOTE THAT THIS IS BEST INFORMATION CURRENTLY AVAILABLE.
POST HAS NO INFORMATION ON POSSIBLE DIFFERENCES IN TRACKING
METHODOLOGIES BETWEEN CINEP AND THE OMBUDSMAN'S OFFICE.)

93. PARA 4, LINE THREE: REPLACE "245 ARMY AND POLICE" WITH
"278 ARMY AND POLICE". ALSO, ADD ADDITIONAL SENTENCE TO END
OF PARAGRAPH: BY YEAR'S END, THE FARC AND ELN WERE BELIEVED
TO HOLD ALMOST 400 POLICE AND ARMY PERSONNEL CAPTIVE.

94. PARA FIVE, LINE ONE, RE NOTE: ARTICLE 34 OF THE
CONSTITUTION EXPLICITLY PROHIBITS EXILE. WE KNOW OF NO
INSTANCE IN WHICH THE GOC HAS EVER EXILED ANYONE OR
ATTEMPTED TO DO SO.

95. *** PARA FIVE, LAST SENTENCE: REVISE SO AS TO READ:
"THE THREATS CAME FROM VARIOUS QUARTERS: PARAMILITARY

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GROUPS, GUERRILLA GROUPS, ELEMENTS OF THE MILITARY,
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NARCOTICS TRAFFICKERS AND OTHER CRIMINAL ELEMENTS."
(RATIONALE: THIS IS THE PRIORITIZED ORDER OF THE GROUPS
DEEMED MOST RESPONSIBLE FOR FORCED DISPLACEMENTS. PLACING
THE ARMY FIRST (EVEN WHEN RESPONSIBLE FOR A SMALL PROPORTION
OF THE DISPLACEMENTS) IS MISLEADING.)

E. DENIAL OF FAIR PUBLIC TRIAL

=====

96. PARA TWO, IN RESPONSE TO NOTE: YES, THE NATIONAL
TRIBUNAL IS ITS FORMAL NAME, AND THERE IS ONLY ONE. MODIFY
SIXTH SENTENCE AS FOLLOWS: "THE CONSTITUTIONAL COURT IS TO
ADJUDICATE ISSUES OF CONSTITUTIONALITY." (NOTE: THIS
AUTHORITY IS SOMETIMES IGNORED, IF NOT CONTESTED, BY OTHER
JUDICIAL ORGANS, SUCH AS THE SUPERIOR JUDICIAL COUNCIL, IN
PRACTICE. END NOTE.) ALSO, ADD NEW LAST SENTENCE:
"JURISDICTIONAL CLASHES AMONG THE CONSTITUTIONAL COURT,
SUPREME COURT OF JUSTICE, THE COUNCIL OF STATE, AND THE
SUPERIOR JUDICIAL COUNCIL WERE COMMON DUE TO THE LACK OF A
SINGLE SUPREME JUDICIAL AUTHORITY CAPABLE OF DECIDING ISSUES
OF COMPETENCE OR CONSTITUTIONAL INTERPRETATION."

97. PARA THREE, SECOND SENTENCE: CHANGE "ARMED FORCES
COMMANDER" TO "MILITARY FORCES COMMANDER." (RATIONALE:
FACTUAL ACCURACY; HE DOES NOT COMMAND THE POLICE, ONE OF THE
OFFICIAL ARMED FORCES, JUST THE MILITARY FORCES.)

98. PARA FOUR, FIRST SENTENCE: MODIFY SO AS TO READ AS
FOLLOWS: "... NOT DIRECTLY RELATED TO "ACTS OF SERVICE" --
THE 1991 CONSTITUTIONAL STANDARD FOR DETERMINING WHETHER A
CASE SHOULD BE TRIED BY THE MILITARY OR CIVILIAN JUDICIARY.
ACCORDING TO THE COLOMBIAN JURISTS' COMMISSION, THE COURT'S
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DECISION DEFINED ONLY THREE CRIMES -- TORTURE, GENOCIDE, AND
FORCED DISAPPEARANCE -- AS GRAVE HUMAN RIGHTS VIOLATIONS
(HOMICIDE WAS NOT INCLUDED). HOWEVER, TWO OF THE THREE --
GENOCIDE AND FORCED DISAPPEARANCE -- WERE NOT CODIFIED AS
CRIMES IN THE CIVILIAN PENAL CODE, AND THUS COULD NOT BE
PROSECUTED AS SUCH IN CIVILIAN COURTS. NONETHELESS, SIMILAR
CRIMES, SUCH AS KIDNAPPING, MURDER AND MASS MURDER, ARE
CODIFIED IN THE CIVILIAN CODE."

99. PARA FIVE, FIRST SENTENCE: ADD "NONETHELESS" BEFORE
"ASSIGNED."

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100. PARA FIVE, SECOND SENTENCE ("ACCORDING TO THE 1991 CONSTITUTION..."): DELETE SENTENCE ENTIRELY. (RATIONALE: DESPITE THE LITERAL READING OF THE TEXT OF THE CONSTITUTION, SEVERAL JUDGES WE HAVE CONSULTED ON THIS ISSUE ARGUE THAT THE CONSTITUTION PROVIDES FOR SUPREME COURT TRIALS OF ONLY FULL-GENERALS (I.E., THREE-SUNS RANK), AND NOT OTHER GENERAL-RANK OFFICERS (I.E., ONE- OR TWO-SUNS). (THERE APPEARS TO BE NO DISPUTE, HOWEVER, THAT THE SUPREME COURT SHOULD PROSECUTE CASES AGAINST ANY NUMBER OF LOWER-RANKING CIVILIAN GOVERNMENT EMPLOYEES, SUCH AS CONSULS GENERAL AND

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STATE PROSECUTORS.) IN ABSENCE OF DEFINITIVE COURT RULINGS ON THIS ISSUE, POST RECOMMENDS DELETING SECOND SENTENCE.)

101. PARA FIVE, THIRD SENTENCE: ADD "RELATION TO" BEFORE "ACTS OF SERVICE." (RATIONALE: CLARITY/ACCURACY). ALSO, ADD NEW FINAL SENTENCE: "IN REACHING ITS OCTOBER 1 DECISION
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TO SEND THE CASE OF BRIGADIER GENERAL FERNANDO MILLAN TO THE MILITARY JUDICIARY FOR INVESTIGATION AND POTENTIAL TRIAL OF ALLEGED HUMAN RIGHTS CRIMES (SEE SECTION 1.A.), THE SUPERIOR JUDICIAL COUNCIL DETERMINED THAT IT WAS NOT BOUND BY THE CONSTITUTIONAL COURT'S NARROWER 1997 INTERPRETATION OF THE 1991 CONSTITUTIONAL STANDARD OF 'RELATION TO ACTS OF SERVICE.'

102. PARA FIVE: YES, MILLAN ORGANIZED THE PARAMILITARY GROUP.

103. SEVENTH PARA, LINES 10-12: DELETE THE STATEMENT "UNDER THE LAW, THE TWO INSTITUTIONS ARE PRECLUDED FROM COORDINATING THEIR INVESTIGATIONS." RATIONALE: FACTUALLY INACCURATE; THE LAW DOES PERMIT SUCH COORDINATION, WHICH OCCURS FREQUENTLY.)

104. PARA SEVEN, PENULTIMATE SENTENCE: REPLACE "1,074" WITH "1,073". RATIONALE: ACCURACY.

105. PARA EIGHT, FOURTH SENTENCE: CHANGE TO "THESE CONCERNS LED IN THE EARLY 1990'S..." TO "THESE CONCERNS LED IN 1984...." (RATIONALE: ACCURACY.)

106. PARA EIGHT, RE NOTE: YES, SOME CONGRESSIONAL CRITICS ARE STILL IMPLICATED IN INVESTIGATIONS. ALSO, UNLESS NEW LEGISLATION EXTENDING THE COURTS' MANDATE IS INTRODUCED (AND WE SEE NO INDICATION THAT IT WILL BE), THE FACELESS COURTS WILL AUTOMATICALLY BE ABOLISHED DURING 1999.

107. NINTH PARA, FIRST SENTENCE: DELETE "ALSO".

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(RATIONALE: CLARITY/GRAMMAR.)

108. PARA TEN, RE NOTE: TEXT IS ACCURATE, ALTHOUGH RECOMMEND "ARRESTED DOZENS OF SUSPECTS" BE CHANGED TO "ARRESTED MORE THAN ONE HUNDRED SUSPECTS" IN LAST LINE OF PARAGRAPH.

109. PARA ELEVEN: REVISE FIRST SENTENCE TO READ: "... PREVAILING IMPUNITY BY INVESTIGATING, INDICTING, AND/OR PROSECUTING 74 SECURITY FORCE MEMBERS DURING THE YEAR, INCLUDING 24 OFFICERS, ON A VARIETY ..."

110. PARA ELEVEN, SECOND SENTENCE: REPLACE "THOSE CONVICTED BE REMOVED FROM THEIR DUTIES" WITH "THOSE ORDERED ARRESTED BE REMOVED FROM THEIR DUTIES, DENIED THE RIGHT TO WEAR THE

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UNIFORM, OR TURNED OVER TO CIVILIAN JUDICIAL AUTHORITIES." (RATIONALE: ARREST WARRANT, NOT CONVICTION IS THE STANDARD UNDER COLOMBIAN LAW. ALSO, IN SUCH CIRCUMSTANCES, THE RIGHT TO WEAR THE UNIFORM IS ALSO TO BE DENIED.)

111. PARA ELEVEN, FINAL SENTENCE: REVISE TO READ: "FOR EXAMPLE, DESPITE CONVICTIONS ON TERRORISM CHARGES IN A CIVILIAN COURT AND SUBSEQUENT SENTENCES TO PRISON, LT. COL. LONDON TAMAYO REMAINED ON ARMY ACTIVE DUTY AT FULL PAY WITH A BOGOTA-BASED LOGISTICAL BRIGADE AND LT. COL. BAEZ GARZON REMAINED ON ACTIVE DUTY, ALTHOUGH AT HALF PAY AND SUSPENDED FROM HIS DUTIES AS DEPUTY BRIGADE COMMANDER."

112. PARA TWELVE, FOURTH SENTENCE: DELETE "DRAMATIC." (RATIONALE: THE STATISTICS SPEAK FOR THEMSELVES; NO ADDITIONAL DRAMA REQUIRED.)

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113. PARA THIRTEEN, THIRD SENTENCE: REPLACE "DEFENDANTS AND THEIR ATTORNEYS" WITH "REGULAR COURT DEFENDANTS AND THEIR ATTORNEYS..." (RE NOTE: THERE ARE NO DIRECT CONFRONTATIONS POSSIBLE IN THE REGIONAL COURTS, WHERE EVERYTHING IS PROCESSED ON PAPER WITHOUT A FACE-TO-FACE COURTROOM TRIAL. SUCH CONFRONTATIONS, HOWEVER, ARE POSSIBLE IN THE REGULAR COURTS.)

114. PARA FIFTEEN, REGARDING NOTE, ICRC REPORTED THAT IT MONITORED "APPROXIMATELY 3,700" SUCH CASES DURING 1998. ALL OTHER INFORMATION IN THE FOLLOWING PARAGRAPH REMAINS CURRENT.

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

=====

115. FIRST PARA, FOURTH SENTENCE ("HOWEVER, DEFENSE MINISTRY..."): REVISE REST OF PARAGRAPH SO IT READS IN FULL, "DUE TO INTIMIDATION, CORRUPTION, OR THE ABSENCE OF EVIDENTIARY PROOF COLLECTED DIRECTLY BY PROSECUTORS,

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GUERRILLA SUSPECTS CAPTURED BY THE SECURITY FORCES IN OR OUT
OF COMBAT AND TURNED OVER TO JUDICIAL AUTHORITIES WERE OFTEN
SET FREE." (RATIONALE: THE MINISTRY OF DEFENSE IS NOT THE
ONLY INSTITUTION WHICH REGULARLY MAKES THIS COMPLAINT. THAT
THIS PROBLEM EXISTS IS GENERALLY AGREED BY MOST STATE
AUTHORITIES AND INDEPENDENT OBSERVERS, INCLUDING THIS
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EMBASSY.

116. SECOND PARA, RE NOTE: TEXT IS CORRECT TO OUR
KNOWLEDGE.

G. USE OF EXCESSIVE FORCE AND VIOLATIONS OF HUMANITARIAN
LAW IN INTERNAL CONFLICTS

=====

117. *** FIRST PARA: REVISE TO READ (IN FULL): "THE
INTERNAL ARMED CONFLICT AND NARCOTICS TRAFFICKING ARE THE
CENTRAL CAUSES OF VIOLATIONS OF HUMAN RIGHTS AND
HUMANITARIAN LAW. GOVERNMENT FORCES VIOLATED INTERNATIONAL
HUMANITARIAN LAW. PARAMILITARY AND GUERRILLA FORCES, IN
PARTICULAR, COMMITTED NUMEROUS AND SERIOUS ABUSES. CINEP
DEEMED THAT, DURING THE FIRST NINE MONTHS OF THE YEAR, STATE
SECURITY FORCES WERE RESPONSIBLE FOR 5.6 PERCENT OF
INTERNATIONAL HUMANITARIAN LAW VIOLATIONS (INCLUDING
HOMICIDE, TORTURE, FORCED DISAPPEARANCE, AND ASSAULT),

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PARAMILITARIES FOR 66.3 PERCENT, AND GUERRILLAS FOR 28.1 PERCENT." (RATIONALE: UPDATED LANGUAGE AND STATISTICS PROVIDES A BROAD OVERVIEW IN A NUTSHELL, WHILE DOING NO OFFENSE TO FORMAT REQUIREMENTS.)

118. SECOND PARA, FIRST SENTENCE: DELETE ENTIRELY (RATIONALE: UPDATED LANGUAGE APPENDED TO END OF PREVIOUS PARAGRAPH.)

SECOND PARA, SECOND AND THIRD SENTENCES (ON THE ARMY'S 20TH BRIGADE): DELETE SENTENCES ENTIRELY, AND PLACE EXPANDED DISCUSSION OF SAME IN SECTION 1.A. (AFTER CURRENT PARA SIX OF SECTION 1.A.) (RATIONALE: POST BELIEVES 20TH BRIGADE
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DISCUSSION IS BETTER PLACED IN SECTION 1.A., ESPECIALLY GIVEN THE REVISED PROPOSED LANGUAGE POST HAS. SEE COMMENTS RE SECTION 1.A. BETWEEN PARAS 6 AND 7)

119. SECOND PARA: PARAGRAPH SHOULD THUS BEGIN WITH "THE ICRC REPORTED...."

120. SECOND PARA, LINES 13-20 (SENTENCE AND NOTE RE "BODY COUNTS"), REPLACE TO READ "A MUCH-REDUCED EMPHASIS ON BODY COUNTS AS A MEANS OF ASSESSING FIELD PERFORMANCE HAS HELPED INCREASED THE ARMY'S OVERALL RESPECT FOR INTERNATIONAL HUMANITARIAN LAW." (RATIONALE: THE ARMY'S USE OF BODY COUNTS TO MEASURE OPERATIONAL SUCCESS HAS MUCH DIMINISHED. AS DEPARTMENT SUGGESTS, POST RECOMMENDS THAT THE SENTENCE BE DELETED.)

121. SECOND PARA, RE SECOND NOTE: THE BECERRA BOHORQUEZ CASE IS ONE SUCH EXCEPTION (SEE PARA 11, SECTION 1.A.).

122. PARA THREE: REPLACE FIRST TWO SENTENCES TO READ: "THERE WERE AT LEAST 112 MASSACRES (DEFINED AS THE SIMULTANEOUS KILLING OF AT LEAST FOUR PEOPLE) BETWEEN JANUARY AND NOVEMBER, WHICH RESULTED IN THE DEATHS OF AT LEAST 667 PEOPLE DURING THE YEAR." (RATIONALE: POST HAS MUCH MORE CONFIDENCE IN CINEP'S REPORT THAT STATE FORCES WERE RESPONSIBLE FOR 17 EXTRAJUDICIAL KILLINGS DURING THE FIRST NINE MONTHS OF THE YEAR THAN WE DO IN CPDH'S CLAIM THAT STATE FORCES WERE GUILTY OF 5.2 PERCENT MASSACRES DURING THE FIRST SEMESTER OF THE YEAR. THEREFORE, WE RECOMMEND DELETING THE CPDH REFERENCE ENTIRELY. RE NOTE, OUR RESPONSE TO THE NOTE IN PARA 3 OF SECTION 1.A. (ABOVE)
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DETAILS THE MOST EGREGIOUS MASSACRE BY STATE SECURITY FORCES
OF WHICH WE ARE AWARE (THE SAN PABLO, NARINO CASE)..)

123. PARA FOUR (TAME, ARAUCA INCIDENT): REPLACE SECOND AND
THIRD SENTENCES TO READ: "THE MILITARY STRONGLY DENIED THESE
ACCOUNTS, AND PROVIDED EVIDENCE THAT A BATTLE TOOK PLACE 6
KILOMETERS OUTSIDE THE TOWN, AND THAT DEATHS IN SANTO
DOMINGO WERE THE RESULT OF A TRUCK BOMB THAT EXPLODED
PREMATURELY. THE PROSECUTOR GENERAL ESTABLISHED A
COMMISSION TO CONDUCT A FULL INVESTIGATION OF THE INCIDENT.
WHILE THEIR INVESTIGATION WAS NOT COMPLETE BY YEAR'S END,
THEY WERE ABLE TO ESTABLISH THAT THE EXPLOSION IN SANTO
DOMINGO WAS NOT THE RESULT OF ANY BOMB OR ROCKET DELIVERED
FROM THE AIR."

124. PARA FIVE: DELETE PARAGRAPH (RATIONALE: POST IS
UNAWARE OF ANY SUCH OCCURRENCES DURING 1998.)

PARA SIX (NOTE): WE ARE UNAWARE OF ANY STATE SECURITY FORCE
KILLINGS OF INDIGENOUS PERSONS.

125. **** PARA SEVEN (CODHES DATA), FIRST SENTENCE: REVISE

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SUBJECT: POST'S UPDATES/SUGGESTED CHANGES TO V-1 DRAFT OF
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TO READ: "... SOME 308,000 PERSONS... DURING THE YEAR,"
CHANGE SECOND SENTENCE TO: "CODHES ESTIMATED THAT
GOVERNMENT FORCES WERE RESPONSIBLE FOR SIX PERCENT OF
DISPLACEMENTS DURING THE YEAR, PARAMILITARIES 54 PERCENT,
GUERRILLAS 29 PERCENT." (RATIONALE: UPDATED; ANNUALIZED
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DATA. NOTE: POST STRONGLY RECOMMENDS INCLUSION OF THESE
STATISTICS FOR GUERRILLAS AND PARAMILITARIES, INSTEAD OF
JUST THOSE FOR THE STATE, AS THE DEPARTMENT DID IN THE
V-1.)

126. PARA SEVEN, RE NOTE: YES, POST CONCURS WITH USING THE
750,000 FIGURE.

127. PARA EIGHT, RE NOTE: ACCORDING TO THE U.S. COMMITTEE
FOR REFUGEES, THE CAMPS ARE OVERCROWDED AND UNHYGIENIC.
HEALTH CARE FOR THOSE IN THE CAMPS IS POOR, AND THERE ARE
FEW EDUCATIONAL OR EMPLOYMENT OPPORTUNITIES. NGO CODHES
NOTES THAT SOME PEOPLE HAVE BEEN DISPLACED FOR AS LONG AS
TEN YEARS, BUT IS UNABLE TO IDENTIFY A TYPICAL TIMEFRAME FOR
DISPLACEMENT (SOME RETURN AFTER DAYS OR WEEKS, OTHERS MONTHS
OR YEARS, OTHERS NEVER.) CODHES CONSIDERS THAT ANYONE WHO
WAS DISPLACED FROM HIS HOME BY VIOLENCE AND WOULD LIKE TO
RETURN BUT IS UNABLE TO DO SO IS DISPLACED. HOWEVER, THE
PASTRANA GOVERNMENT USES A LIMIT OF TWO YEARS IN DETERMINING
WHO IS DISPLACED.

128. PARA NINE: REPLACE "TENS OF THOUSANDS" WITH
"THOUSANDS". (RATIONALE: ACCURACY.)

129. **** PARA TEN: MOVE SENTENCE THAT STATES "THOUSANDS
OF DISPLACED PERSONS WERE UNABLE TO RETURN TO THEIR HOMES
DUE TO THE PRESENCE OF ANTI PERSONNEL MINES." (RATIONALE:
THE VAST MAJORITY OF THESE MINES HAVE BEEN PLACED BY THE
FARC, NOT BY THE GOVERNMENT, PARAMILITARIES OR ANYONE ELSE.
AS SUCH, THE ISSUE OF LANDMINE-INDUCED DISPLACEMENTS MORE
APPROPRIATELY BELONGS IN REVISED PARA 24 OF SECTION 1.G.
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(SEE BELOW), WHICH DISCUSSES GUERRILLA LANDMINE ISSUES, AND
NOT IN THIS PARAGRAPH ON GOVERNMENT ACTIVITIES.)

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130. PARA ELEVEN: REPLACE FIRST SENTENCE TO READ "CINEP DEEMED PARAMILITARIES TO BE RESPONSIBLE FOR 66.3 PERCENT OF INTERNATIONAL HUMANITARIAN LAW VIOLATIONS DURING THE FIRST NINE MONTHS OF 1998, INCLUDING 76.5 PERCENT OF (OR 573) EXTRAJUDICIAL KILLINGS." (RATIONALE: FAR GREATER CONFIDENCE IN CINEP DATA VS. CPDH DATA, WHICH WE URGE BE DROPPED FROM THE ENTIRE REPORT.)

131. PARA TWELVE, SECOND SENTENCE: "CHANGE "TYPICALLY UNARMED CIVILIANS" TO "OFTEN UNARMED CIVILIANS, WHO THEY ACCUSED OF BEING 'GUERRILLAS IN CIVILIAN ATTIRE.'" (RATIONALE: IN THE MAGDALENA MEDIO REGION, FOR EXAMPLE, THE AUC AND ELN ARE ENGAGED IN OPEN, UNIFORMED COMBAT.)

132. PARA THIRTEEN ("ON OCTOBER 25..."): REVISE TO READ "ON OCTOBER 25, ABOUT 100 MEMBERS OF THE AUC PARAMILITARY GROUP ATTACKED THE TOWN OF SAN CARLOS, ANTIOQUIA. THEY DESTROYED THE POLICE STATION AND A BANK, KILLING 10 PERSONS WHOM THEY ACCUSED OF BEING GUERRILLA COLLABORATORS. A PROSECUTOR GENERAL'S OFFICE INVESTIGATION WAS UNDERWAY AT YEAR'S END." (RATIONALE: WE HAVE INDEPENDENT CONFIRMATION OF THE ATTACK, WHICH WAS FOCUSED ON THE POLICE STATION.)

133. PARA FOURTEEN, FIRST SENTENCE: REPLACE "58.2 PERCENT OF ALL HUMAN RIGHTS VIOLATIONS COMMITTED DURING THE FIRST HALF OF THE YEAR" WITH " 66.3 PERCENT OF ALL INTERNATIONAL HUMANITARIAN LAW VIOLATIONS COMMITTED DURING THE FIRST NINE MONTHS OF THE YEAR." (RATIONALE: UPDATED STATISTICS.

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ALSO, THESE ARE IHL VIOLATIONS, NOT HUMAN RIGHTS VIOLATIONS.)

134. PARA FOURTEEN, LINES 5-6: REPLACE "4,000 TO 6,000" WITH "5,000 TO 7,000". ALSO, LINE FIVE: REPLACE "JULY 16" WITH "JULY 26". (RATIONALE: FACTUAL ACCURACY. FIRST CHANGE ALSO MADE ELSEWHERE IN REPORT. DELETE NOTE.)

135. PARA FIFTEEN: REPLACE PARA WITH THE FOLLOWING TWO PARAS:

"IN A NOVEMBER RADIOTELEPHONE CONVERSATION WITH 'ANTONIO GARCIA,' THE MILITARY LEADER OF THE ELN GUERRILLAS, CASTANO ARGUED THAT THE PARAMILITARY GROUPS ARE INDEPENDENT OF THE GOVERNMENT, BUT GARCIA ARGUED THAT THE GUERRILLAS HAD SEEN AUC MEMBERS EXCHANGE THEIR ARMBANDS FOR ARMY ARMBANDS, AND THAT THE GUERRILLAS DID NOT BELIEVE THE PARAMILITARIES WERE ENTIRELY AUTONOMOUS. CASTANO ADMITTED THAT SOME ELEMENTS OF THE ARMED FORCES TOLERATE THE PARAMILITARY GROUPS, BUT

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ASSERTED THAT THERE WAS NO STATE POLICY IN FAVOR OF PARAMILITARY. INDEED, HE NOTED THE INCREASED STATE PRESSURES AGAINST HIS FORCES.

136. ON DECEMBER 28 AND 29, THE FARC'S 18TH FRONT LAUNCHED

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E.O. 12958: N/A

TAGS: PHUM, ELAB, KSEP, CO

SUBJECT: POST'S UPDATES/SUGGESTED CHANGES TO V-1 DRAFT OF 1998 COUNTRY HUMAN RIGHTS REPORT FOR COLOMBIA

A MAJOR ATTACK AGAINST CASTANO'S PERSONAL HEADQUARTERS IN SOUTHERN CORDOBA DEPARTMENT. THE GUERRILLAS TORTURED AND DECAPITATED NON-COMBATANT CIVILIANS NORBEY GUARNELI RUIZ, NICOLAS CABALLERO LEYVA, AND REINOLDO GUTIERREZ PASTRANA; DISMEMBERED AND CASTRATED ADOLFO ADISAL CORDERO; AND SHOT TO DEATH MARIA ELENA VARGAS, JOHNNY MARIA SANCHEZ, AND MILADY

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ISABEL MONTALVO, AS WELL AS THREE YEAR-OLD DORIS ISABEL VARGAS AND ONE MONTH-OLD ANGIE DIOMEDES ORTEGA. THE FARC PUBLICLY ADMITTED TO THE KILLINGS AND DECAPITATIONS, WHICH IT ATTEMPTED TO JUSTIFY WITH ALLEGATIONS THAT THE CIVILIANS WERE PARAMILITARY SUPPORTERS."

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137. (RATIONALE FOR REVISED FIRST PARA: THE AUC/ELN PHONE CALL OCCURRED IN NOVEMBER, BUT WAS REVEALED IN DECEMBER. ALSO, MUCH TIGHTER LANGUAGE. ALSO: THE ELN "INTERLOCUTOR" KILLED WAS NOT THE SAME ONE HE WAS TALKING TO ON THE PHONE; THE ONE KILLED, IN FACT, WAS BEING HELD PRISONER BY AUC. AS HE WAS IN FATIGUES AND GUARDED BY ARMED AUC COMBATANTS WHEN HE DIED, WE DO NOT SEE HIS DEATH AS AN IHL VIOLATION.
RATIONALE FOR SECOND PARA: UPDATED INFORMATION, INCLUDING SPECIFIC, MULTIPLE IHL VIOLATIONS AGAINST UNARMED CIVILIANS. ALSO, DON'T BELIEVE WE SHOULD GO ANY FURTHER THAN "SOUTHERN CORDOBA DEPARTMENT" RE LOCATION.)

138. PARA SEVENTEEN, RE FIRST NOTE: MANY "CONVIVIR" GROUPS WERE ORGANIZED BUT NEVER LICENSED BY THE GOVERNMENT AS SUCH. RE SECOND NOTE: THE ANNOUNCEMENT WAS IN AUGUST.

139. PARA EIGHTEEN, NOTE: POST IS VERY CERTAIN OF THE PRECEDING CLAUSE (THAT SUCH BEHAVIOR WAS LESS PERVERSIVE THAN IN PREVIOUS YEARS). WE ARE ALSO CERTAIN THAT IT APPLIES EVEN BEFORE PASTRANA TOOK OFFICE, ALTHOUGH THE POLICY IS EVEN CLEARER NOW.

140. PARA EIGHTEEN, SECOND SENTENCE, AFTER "INDIVIDUAL COMMANDERS," ADD "AND TROOPS." (RATIONALE: ACCURACY.)
FOURTH SENTENCE, REPLACE "ONLY MINIMAL FEAR" WITH "MINIMAL
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FEAR". (RATIONALE: ONLY ADDS NOTHING.)

141. ***** PARA EIGHTEEN, FINAL SENTENCE: REINSERT AT END OF PARA: "HE CONTINUED, 'WHAT IS CLEAR, HOWEVER, IS THAT THERE IS NO EVIDENCE THAT THERE IS AN INSTITUTIONAL DECISION BY THE ARMED FORCES TO COOPERATE WITH PARAMILITARIES.'"

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143. *** PARA NINETEEN, AFTER FIRST SENTENCE: INSERT "NONETHELESS, THE SECURITY FORCES, INCLUDING THE ARMY, CAPTURED SEVERAL HUNDRED PARAMILITARIES DURING THE YEAR -- ROUGHLY THE NUMBER OF GUERRILLAS WHO WERE ARRESTED DURING THE YEAR. MILITARY PLACED THE TOTAL NUMBER OF PARAMILITARIES CAPTURED AT 222, WHILE THE PROSECUTOR

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GENERAL'S OFFICE RECORDED THE CAPTURE OF 418
PARAMILITARIES." (RATIONALE: FACTUALLY ACCURATE. WE MUST
MAKE SURE TO GIVE FULL DUE CREDIT TO THOSE ACTIONS THE STATE
HAS INDEED TAKEN IN THIS AREA.)

PARA NINETEEN, AFTER PREVIOUS INSERTION: DELETE "HOWEVER,"
FROM BEGINNING OF NEXT SENTENCE.

144. PARA NINETEEN, RE NOTE: THE EIGHT PARAS CAPTURED BY
THE 24TH BRIGADE HAVE BEEN JAILED AND ARE BEING PROSECUTED
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BY THE PROSECUTOR'S OFFICE.

145. PARA TWENTY, RE NOTE: NO OBJECTION.

146. *** PARA TWENTY-ONE, REPLACE ENTIRE PARA TO READ:
"THE MINISTRY OF DEFENSE REPORTED THAT DURING THE YEAR THE
POLICE CAPTURED 93 PARAMILITARIES, THE MILITARY 95, THE
ADMINISTRATIVE DEPARTMENT OF SECURITY FOUR, AND THE
PROSECUTOR GENERAL'S TECHNICAL INVESTIGATIVE CORPS 30.
ADDITIONALLY, IT STATED THAT THE ARMY KILLED 23 PARAMILITARY
MEMBERS, THE NAVY THREE, THE ADMINISTRATIVE DEPARTMENT OF
SECURITY THREE, AND THE POLICE FIVE. DUE TO DIFFERENCES IN
RECORD-KEEPING AND DEFINITIONS, THE MINISTRY OF DEFENSE'S
STATISTICS FELL SHORT OF THOSE ISSUED BY THE PROSECUTOR
GENERAL'S OFFICE -- WHICH REPORTED THAT THE POLICE CAPTURED
212 PARAMILITARIES DURING THE YEAR, THE ARMY 81, AND THE
PROSECUTOR GENERAL'S TECHNICAL INVESTIGATIVE CORPS 125.
BOTH SETS OF FIGURES REPRESENTED A SUBSTANTIAL INCREASE IN
ARMY EFFORTS AGAINST PARAMILITARIES OVER 1997, WHEN THE ARMY
REPORTED HAVING KILLED 25 PARAMILITARY MEMBERS AND HAVING
CAPTURED 31."

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	IO-00	LAB-01	L-01	ADS-00	NSAE-00	NSCE-00	OIC-02
	OPIC-01	PRS-00	P-00	SP-00	SS-00	STR-00	TRSE-00
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147. PARA 22, RES NOTE, INCLUDE: "PARAMILITARIES SOMETIMES
ACCEPTED UNDERAGE COMBATANTS IN THEIR RANKS." (RATIONALE:
OUR UNDERSTANDING IS THAT FORCED RECRUITMENT OF MINORS IS
FAR MORE COMMON BY GUERRILLAS THAN BY PARAMILITARIES.
NONETHELESS, THE PARAMILITARIES DO INDEED ACCEPT UNDERAGE
COMBATANTS.)

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148. *** IN PARAS 21 AND 23: DEPARTMENT MAY WISH TO INCLUDE
THE FOLLOWING SPECIFIC EXAMPLES OF PARAMILITARY AND
GUERRILLA VIOLATIONS OF THE PROTECTED STATUS OF MEDICAL AND
RELIGIOUS PERSONNEL, OF THE WOUNDED, AND OF HOSPITALS AND
MEDICAL VEHICLES (POST RECOMMENDS THIS ESPECIALLY IN THE
CASE OF GUERRILLA VIOLATIONS; ON A CONTENT-ANALYSIS BASIS,
REPORT IS ALREADY "FULL" OF SPECIFIC EXAMPLES OF
PARAMILITARY VIOLATIONS.) PARAMILITARY AND GUERRILLA GROUPS
WERE TOGETHER RESPONSIBLE FOR AT LEAST 86 VIOLATIONS OF THE
PROTECTED STATUS OF RELIGIOUS AND MEDICAL PERSONNEL, OF THE
WOUNDED, AND OF THE EMBLEM OF THE RED CROSS DURING THE YEAR.
BETWEEN THEM, GUERRILLAS AND PARAMILITARIES ATTACKED A TOTAL
OF NINE HOSPITALS AND 14 AMBULANCES WERE ATTACKED BETWEEN
JANUARY AND NOVEMBER. THE FARC FIRED ON A HELICOPTER-
AMBULANCE JULY 17 AT AMALFI, ANTIOQUIA DEPARTMENT, CAUSING
IT TO CRASH. THE FARC DIRECTED ITS AUGUST 3 ATTACK ON THE
POLICE/ARMY BASE AT MIRAFLORES FROM THE LOCAL HOSPITAL.
DURING THE NOVEMBER 1-2 TAKEOVER OF MITU, VAUPES, THE FARC
GUERRILLAS LEVELED SEVERAL SQUARE BLOCKS OF THE TOWN'S
CENTER, INCLUDING THE HOSPITAL. ON AUGUST 18,
PARAMILITARIES PURSUED A MAN THEY HAD WOUNDED INTO THE LOCAL
HOSPITAL AT YOLOMBO, ANTIOQUIA, WHERE THEY MURDERED HIM. ON
SEPTEMBER 15, FARC GUERRILLAS MURDERED EIGHT PUBLIC HEALTH
WORKERS AT MOCOA, PUTUMAYO DEPARTMENT WHO WERE ENGAGED IN A

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MALARIA ERADICATION CAMPAIGN. ELN GUERRILLAS KIDNAPED THE PINILLOS, BOLIVAR TOWN DOCTOR SEPTEMBER 17 AND FORCED HIM TO ATTEND WOUNDED GUERRILLAS.

149. PARA 24, RE NOTE: 11,000 - 17,000 REPRESENTS AN UPDATE FROM LAST YEAR'S PUBLISHED ESTIMATE OF 10,000-15,000.

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WE CANNOT NARROW ESTIMATE. END NOTE.

150. PARA 24, THIRD SENTENCE: REPLACE "1,074" WITH "1,073". (RATIONALE: CORRECT NUMBER OF COLOMBIAN MUNICIPALITIES.)

151. PARA 24, LAST SENTENCE: REPLACE TO READ: "CINEP REPORTED THAT THE GUERRILLAS WERE RESPONSIBLE FOR 28.1 PERCENT OF ALL INTERNATIONAL HUMANITARIAN LAW VIOLATIONS DURING THE FIRST NINE MONTHS OF 1998." (RATIONALE: UPDATED/FACTUAL ACCURACY.)

152. PARA 25, FIRST SENTENCE: REVISE SO AS TO SAY, "ACCORDING TO CINEP, GUERRILLAS WERE RESPONSIBLE FOR 160 EXTRAJUDICIAL KILLINGS DURING THE FIRST NINE MONTHS OF THE YEAR." (RATIONALE: POST IS NOT CERTAIN THAT THE CPDH DATA ARE RELIABLE AND WOULD PREFER TO USE THE CINEP DATA.)

153. ** PARA 25, INSERT AFTER FIFTH SENTENCE: "VIOLATING NORMS OF INTERNATIONAL HUMANITARIAN LAW, FARC GUERRILLAS SOMETIMES USED LANDMINES AS INDISCRIMINATE WEAPONS OF TERROR, OCCASIONALLY DISGUIISING THEM AS SEEMINGLY INNOCUOUS ITEMS, SUCH AS SOCCER BALLS OR PAINT CANS. THOUSANDS OF DISPLACED PERSONS WERE UNABLE TO RETURN TO THEIR HOMES DUE TO THE PRESENCE OF ANTIPERSONNEL MINES." (RATIONALE: FACTUALLY ACCURATE. ALSO: THE FARC IS WITHOUT DOUBT THE NUMBER ONE USER OF LANDMINES, MANY OF THEM HOMEMADE. THE FARC'S INDISCRIMINATE AND UNMARKED SOWING OF ROADS, FIELDS AND RIVERS WITH MINES IS THE OVERWHELMING CAUSE OF APL-RELATED DISPLACEMENTS.)

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154. PARA 25, REPLACE SECOND SENTENCE SO AS TO READ ".... WHERE A JOINT ARMY-NATIONAL POLICE COUNTERNARCOTICS BASE WAS OVERRUN AND DESTROYED, RESULTING IN THE CAPTURE OF 73 ARMY AND 56 POLICE PERSONNEL". (RATIONALE: ACCURACY. NOTE THAT THE BASE WAS A JOINT ARMY-POLICE BASE, NOT JUST POLICE. EVEN POST-MITU, MIRAFLORES EASILY STANDS AS THE MOST SERIOUS

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DEFEAT.)

155. PARA 25, ADD FOLLOWING NEW FOURTH SENTENCE: "IN A CLEAR VIOLATION OF INTERNATIONAL HUMANITARIAN LAW, FARC NATIONAL MILITARY COMMANDER JORGE BRICENO DIRECTED THE ATTACK FROM THE MIRAFLORES PUBLIC HOSPITAL."

156. PARA 26, REPLACE WITH: "HUNDREDS OF FARC GUERRILLAS OVERRAN THE VAUPES DEPARTMENTAL CAPITAL OF MITU NOVEMBER 1, RAZING SEVERAL CITY BLOCKS, INCLUDING A SCHOOL AND HOSPITAL. AFTER KILLING AT LEAST 16 SECURITY FORCE PERSONNEL, THE FARC TOOK 67 POLICEMEN AND AN UNDETERMINED NUMBER OF SOLDIERS PRISONER. THE FARC ALSO CARRIED OUT A SELECTIVE ASSASSINATION CAMPAIGN WHILE IT OCCUPIED THE TOWN, RESULTING IN SEVERAL CIVILIAN DEATHS." (RATIONALE: UPDATED LANGUAGE/NUMBERS.)

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DEPT FOR DRL/CRT, ARA/AND, ARA/PPCP

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E.O. 12958: N/A
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157. PARA 28: REPLACE "JUNE 13" WITH "JUNE 15". RE NOTE: THE GIRLS OF STEEL WERE RELEASED JULY 4.

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158. PARA TWENTY-NINE: APPEND TO END OF PARA: ", IN
VIOLATION OF INTERNATIONAL HUMANITARIAN LAW, WHICH
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SPECIFICALLY PROVIDES FOR THE SANCTITY OF THE BODIES OF THE
DEAD." (RATIONALE: EXPLAINS THE NATURE OF THE IHL
VIOLATION.)

159. PARA 30: ("THE CPDH REPORTED...."): DELETE THE FIRST
TWO SENTENCES. (RATIONALE: AGAIN, POST HAS RECONSIDERED THE
RELIABILITY OF THE CPDH STATISTICS, AND RECOMMENDS NOT TO
USE THEM.)

160. PARA 31: REPLACE SECOND SENTENCE TO READ: "PRESIDENT-
ELECT PASTRANA INITIATED PEACE EFFORTS WITH A JULY 9 MEETING
WITH FARC LEADER "MANUEL MARULANDA VELEZ". (RATIONALE:
CORRECTS DATE, ALSO REDUCES REDUNDANCY WITH FIRST SENTENCE
OF PARA, AND MAKES CLEAR THAT THE PRESIDENTIAL VOTING WAS
ALREADY PAST WHEN PASTRANA MET WITH MARULANDA.)

SECTION 2

RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

=====

161. SECOND PARA, RE NOTE: YES, STILL TRUE.

162. THIRD PARA, RE NOTE: COURT RULING WAS ON MARCH 18,
1998.

163. POST RECOMMENDS DELETION OF FIFTH PARA. MANY, IF NOT
MOST, COLOMBIAN INSTITUTIONS WHICH RECEIVE PRESS ATTENTION
ATTEMPT TO SPIN REPORTING IN THEIR FAVOR.

164. SIXTH PARA, ADD NEW SECOND SENTENCE, "FEARING FOR
THEIR SAFETY, JOURNALISTS OFTEN REFRAIN FROM PUBLISHING OR
UNCLASSIFIED

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AIRING STORIES INIMICAL TO THE INTERESTS OF
NARCOTRAFFICKERS, GUERRILLAS, OR PARAMILITARIES." MODIFY
CURRENT SECOND SENTENCE AS FOLLOWS: "AT LEAST 13
JOURNALISTS WERE MURDERED BETWEEN JANUARY AND DECEMBER,
ALTHOUGH NOT ALL OF THE MURDERS APPARENTLY WERE RELATED TO
THE JOURNALISTS' WORK." ADD NEW LAST SENTENCES: "EDITOR OF
'EL PANORAMA' MAGAZINE JOSE ARTURO GUAPACHA WAS MURDERED
OCTOBER 15 IN VALLE DEL CAUCA DEPARTMENT. HE HAD WRITTEN
EXPOSES ON NARCOTRAFFICKERS."

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165. RE PARA 7 (NOTE ON KIDNAPPINGS): INSERT, "ACCORDING TO NGO PAIS LIBRE, 16 JOURNALISTS WERE KIDNAPED DURING THE YEAR (0.72 PERCENT OF THE TOTAL NUMBER OF KIDNAP VICTIMS). MOST OF THE KIDNAPINGS APPEARED TO HAVE BEEN RELATED TO JOURNALISTS' WORK, AND AIMED AT INTIMIDATION."

166. RE NOTE CONTAINED IN PARA 9: INSERT, "DESPITE AN ATTEMPT BY SOME MEMBERS OF CONGRESS TO ABOLISH IT, THE NATIONAL TELEVISION COMMISSION CONTINUED TO OVERSEE TELEVISION PROGRAMMING THROUGHOUT THE YEAR. DETRACTORS CHARGED IT WAS SUSCEPTIBLE TO POLITICAL INFLUENCE."

167. PARA 8, RE NOTE: POST HAS NO SPECIFIC EVIDENCE THAT UNIVERSITY-LEVEL ACADEMICS WHO STUDIED THE INTERNAL CONFLICT WERE TARGETED DURING 1998, ALTHOUGH IT WOULD NOT SURPRISE US.

C. FREEDOM OF RELIGION

=====

168. SECOND PARA: REPLACE ENTIRELY WITH: "BOTH THE CONSTITUTIONAL COURT (ON OCTOBER 7) AND THE STATE COUNCIL

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(ON NOVEMBER 19) FOUND THAT JEHOVAH'S WITNESSES AND MENNONITE SEMINARIANS HAD BEEN REGULARLY FORCED INTO MILITARY SERVICE, IN VIOLATION OF CONSTITUTIONAL AND OTHER PROVISIONS FOR CONSCIENTIOUS OBJECTORS. BOTH THE COURT AND COUNCIL DIRECTED THE STATE TO EXEMPT THE TWO CHURCHES' SEMINARIANS IN THE SAME MANNER THAT IT EXEMPTED ROMAN CATHOLIC SEMINARIANS. ALTHOUGH PLEASED WITH THE DECISIONS, REPRESENTATIVES OF BOTH CHURCHES SAID THEY WERE WAITING TO SEE AT YEAR'S END WHETHER OR NOT THE RULINGS WOULD BE RESPECTED IN PRACTICE." (RATIONALE: FACTUAL UPDATES.)

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION

=====

169. PARA THREE, NOTE RE A POSSIBLE FIRST ASYLUM ISSUE INVOLVING "APPROXIMATELY 200 PRO-DEMOCRACY PERUVIANS WHO APPARENTLY SOUGHT REFUGE IN COLOMBIA THIS YEAR" THE BOGOTA OFFICE OF THE UNHCR REPORTED TO US JANUARY 6 THAT ONLY FOUR PERUVIANS (A FAMILY) SOUGHT POLITICAL REFUGEE STATUS IN COLOMBIA DURING 1998. UNHCR DENIED THEIR REQUEST. AS THIS CONTRASTS SHARPLY WITH PREVIOUS INFORMATION PROVIDED BY THE LOCAL HEAD OF UNHCR, POST RECOMMENDS LEAVING THE SENTENCE

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TO SECSTATE WASHDC PRIORITY 7186

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"THE ISSUE OF THE PROVISION OF FIRST ASYLUM DID NOT ARISE"
AS IS.

SECTION 3
RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO
CHANGE THEIR GOVERNMENT

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170. FIRST PARA, SECOND SENTENCE: REPLACE "HEAVY VOTER
TURNOUT" WITH "RECORD-HIGH VOTER TURNOUT." (RATIONALE:
ACCURACY.)

171. SECOND PARA, LAST SENTENCE: REPLACE "POLICE AND ARMED
FORCES" WITH "POLICE AND MILITARY." (RATIONALE: THE POLICE
HERE IS ONE OF THE ARMED FORCES, BUT NOT ONE OF THE MILITARY
FORCES.)

172. THIRD PARA, SECOND SENTENCE: REPLACE "OVER 90 PERCENT"
TO "MORE THAN 90 PERCENT." (RATIONALE: GRAMMAR.)

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173. FOURTH PARA, SENTENCE ONE; THE REPRESENTATION OF WOMEN IN COLOMBIAN POLITICS IS NO LESS THAN, AND PERHAPS MORE THAN, THAT OF WOMEN IN UNITED STATES POLITICS. IF THE DEPARTMENT BELIEVES THAT FACT CASTS DOUBT ON THE VALIDITY OF THE STATEMENT THAT WOMEN ARE UNDERREPRESENTED IN POLITICS (CONTAINED IN THE FIRST SENTENCE), THEN WE WOULD SUGGEST CHANGING "THEY ARE UNDERREPRESENTED" TO "MINORITIES ARE UNDERREPRESENTED."

174. FIFTH PARA, RE NOTE: THE TWO BLACK REPRESENTATIVES ARE NOW OUT OF OFFICE. AT PRESENT, WE KNOW OF ONE BLACK SENATOR, MS. PIEDAD CORDOBA.

SECTION 4

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175. *** PARA ONE, LAST SENTENCE: REPLACE "THE ICRC" WITH "THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS." (RATIONALE: THE ICRC IS NOT/NOT A HUMAN RIGHTS ORGANIZATION. ON THE UNCLASSIFIED

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CONTRARY, IT PUSHES FOR RESPECT FOR THE RULES OF WAR (I.E., INTERNATIONAL HUMANITARIAN LAW -- WHICH PERMITS KILLINGS AND OTHER HUMAN RIGHTS VIOLATIONS SO LONG AS THEY ARE COMMITTED IN THE CONTEXT OF ARMED COMBAT.) ALSO, MENTION SHOULD BE MADE HERE, AS IN LAST YEAR'S REPORT, OF THE PRESENCE OF BOGOTA OFFICE OF THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS -- WHICH IS UNDOUBTEDLY AN INTERNATIONAL HUMAN RIGHTS ORGANIZATION.

176. PARA TWO, CHANGE SECOND SENTENCE TO READ: "ELEMENTS OF THE SECURITY FORCES, AS WELL AS PARAMILITARIES, GUERRILLAS, AND NARCOTRAFFICKERS, HARASSED AND THREATENED HUMAN RIGHTS GROUPS." (RATIONALE: FACTUAL ACCURACY; POST DOES NOT SUPPORT THE BLANKET JUDGEMENT THAT "THE SECURITY FORCES", AS SUCH, WERE RESPONSIBLE.)

177. PARA THREE, LAST SENTENCE: REPLACE "SHIP" WITH "BOAT". (RATIONALE: ACCURACY.)

178. FOURTH PARA, THIRD SENTENCE, "NGO" SHOULD BE PLURAL.

179. PARA FIVE: DELETE SECOND SENTENCE (RATIONALE: AS ELSEWHERE THROUGHOUT REPORT, POST PREFERS TO AVOID RHETORIC AND STICK TO THE FACTS.) DELETE THIRD SENTENCE. (RATIONALE: REDUNDANT TO TEXT IN PARA TWO OF SAME SECTION.) SENTENCE FOUR: REPLACE "APPROXIMATELY 20 ACTIVISTS WERE KILLED" WITH "ACCORDING TO HUMAN RIGHTS WATCH, FIVE HUMAN RIGHTS DEFENDERS WERE KILLED..." (SOURCE: 1/29/99 HUMAN

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RIGHTS WATCH PRESS RELEASE.)

180. SIXTH PARA, THIRD SENTENCE: INSERT "AT LEAST
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PARTIALLY" BEFORE "COPIED THE NGO'S....." FIFTH SENTENCE,
REPLACE "ARMED FORCES" WITH "MILITARY." (RATIONALE: THE
COLOMBIAN NATIONAL POLICE IS AN ARMED FORCE, WITHIN THE
DEFENSE MINISTRY, WHICH DOES HAVE SUCH AUTHORITY...) LAST
SENTENCE, THE FIRST NAME OF THE FORMER THIRTEENTH BRIGADE
COMMANDER IS "RITO," NOT "TITO."

181. PARA EIGHT ("THE ICRC CONTINUED...): MOVE FIRST
SENTENCE TO END OF PARAGRAPH. INSERT AT NEW BEGINNING OF
PARA: "THE SECURITY FORCES MADE AN ENORMOUS INVESTMENT IN
HUMAN RIGHTS TRAINING -- SENDING 26,000 PEOPLE (MORE THAN
TEN PERCENT OF THE ENTIRE FORCE STRUCTURE) TO AN AVERAGE OF
4.5 HOURS OF TRAINING BY THE ICRC IN INTERNATIONAL
HUMANITARIAN LAW. (RATIONALE: EMBASSY INSISTS THAT THE
SECURITY FORCES BE GIVEN THEIR DUE FOR THIS ENORMOUS
EFFORT.)

SECTION 5

DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY,
LANGUAGE, OR SOCIAL STATUS

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WOMEN

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	OPIC-01	PRS-00	P-00	SP-00	SS-00	STR-00	TRSE-00
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182. SECOND PARA, IN RESPONSE TO NOTE, THE FORMAL AND UNWIELDY TITLE OF THE INSTITUTE IS "THE NATIONAL INSTITUTE FOR LEGAL MEDICINE AND FORENSIC SCIENCES." POST AGREES THAT "INSTITUTE FOR LEGAL MEDICINE" IS THE PREFERABLE SHORT-HAND VERSION. IN RESPONSE TO SECOND NOTE, THE INSTITUTE'S
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PRELIMINARY 1998 STATISTICS STATE THAT 25,669 PEOPLE WERE VICTIMS OF "CONJUGAL VIOLENCE." GIVEN THAT THE 1997 "SEXUAL ABUSE" FIGURE WAS APPROXIMATELY TEN TIMES AS HIGH, WE BELIEVE THAT INCLUSION OF THE 1998 FIGURE COULD CONFUSE THE READER. WE NOTE, HOWEVER, THAT "CONJUGAL VIOLENCE" AND "SEXUAL ABUSE" ARE, ACCORDING TO THE INSTITUTE, APPARENTLY VERY DIFFERENT PHENOMENON. WE DO NOT HAVE A COMPARABLE, PRELIMINARY 1998 "SEXUAL ABUSE" STATISTIC FROM THE INSTITUTE.

183. SIXTH PARA: INSERT "1997" AT VERY BEGINNING OF PARAGRAPH. (RATIONALE: ICBF IS UNABLE TO PROVIDE UPDATED 1998 DATA.)

INDIGENOUS PEOPLE

=====

184. SECOND PARA, FIRST SENTENCE: CHANGE "334" TO "476." ADD NEW SECOND SENTENCE: "ACCORDING TO THE COLOMBIAN INSTITUTE FOR AGRARIAN REFORM, 344,505 INDIGENOUS PEOPLE LIVE ON SUCH RESERVES." (FACTUAL UPDATES.)

185. FOURTH PARA, MOST RECENT INFORMATION INDICATES THAT THE FIRST SENTENCE IS NO LONGER VALID, AND SHOULD BE DELETED. SECOND SENTENCE, CHANGE "LAND" TO "AGRARIAN." SAME SENTENCE, REPLACE PHRASE BEGINNING WITH "AND THAT AN ESTIMATED 100..." WITH "AND REPORTED THAT 400 REQUESTS BY INDIGENOUS COMMUNITIES TO ESTABLISH NEW RESERVES REMAINED OUTSTANDING AT YEAR'S END."

186. FOURTH PARA, IN RESPONSE TO FIRST NOTE: YES, STILL CORRECT. IN RESPONSE TO SECOND NOTE, THE OMBUDSMAN'S MOST
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RECENT ANNUAL REPORT (FOR 1997) WAS ISSUED IN AUGUST 1998.

187. REGARDING PARA 5 NOTE ON THE U'WA: THE INTERIOR MINISTRY'S OFFICE OF INDIGENOUS AFFAIRS CONFIRMED THE TRIBE'S COLLECTIVE SUICIDE THREAT, BUT NOTED THAT OCCIDENTAL PETROLEUM HAS AGREED TO NEGOTIATE WITH THE TRIBE UNDER GOVERNMENT AUSPICES. DESPITE REPEATED SUBSEQUENT EFFORTS, HOWEVER, AGREEMENT WAS IMPOSSIBLE. OXY HAS THUS RETURNED ITS EXPLORATION CONCESSION TO THE GOVERNMENT AND ABANDONED THE REGION ENTIRELY. NO EXPLORATION OR DRILLING IS TO BE DONE AT ALL.

NATIONAL/RACIAL/ETHNIC MINORITIES

=====

188. SECOND PARA, ADD FOLLOWING NEW SENTENCE BEFORE FIFTH SENTENCE: "THE SAME 1993 LAW ALSO AUTHORIZED BLACK COMMUNITIES TO RECEIVE COLLECTIVE TITLES TO SOME PACIFIC COAST LANDS. HOWEVER, BLACK LEADERS COMPLAINED THAT GOVERNMENT ISSUANCE OF TITLES WAS SLOW, AND THAT THEIR ACCESS TO SUCH LANDS WAS OFTEN INHIBITED BY THE PRESENCE OF ARMED ACTORS."

189. THE THIRD PARA IS STILL CORRECT, BUT POST SUGGESTS DELETING IT, AS THE PREVIOUS PARA NOTES THAT BLACKS ARE UNDERREPRESENTED IN MILITARY HIERARCHIES. MOST GOVERNMENTAL AND NON-GOVERNMENTAL INSTITUTIONS "MAKE LITTLE EFFORT TO RECRUIT AFRICAN-COLOMBIANS." THEREFORE, WE DO NOT BELIEVE THAT THE NAVY MERITS SPECIAL ATTENTION.

SECTION 6
WORKER RIGHTS

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A. THE RIGHT OF ASSOCIATION

=====

190. FIFTH PARA, FIRST SENTENCE, ADD "COLOMBIAN" BEFORE "TRADE UNION OFFICIALS." IN SECOND SENTENCE, CHANGE "OVER" TO "MORE THAN." (GRAMMAR/CLARITY.)

191. EIGHTH PARA, ADD TO END OF SECOND SENTENCE: ", THE COUNTRY'S LARGEST PUBLIC SECTOR LABOR ORGANIZATION." IN FOURTH SENTENCE, CHANGE "56" TO "74." AT END OF LAST SENTENCE, ADD "BUT NO ONE HAD BEEN DETAINED IN RELATION TO THE CRIME AT YEAR'S END."

192. EIGHTH PARA: ADD TO END OF PARA: "THE NATIONAL ORGANIZED LABOR SCHOOL (ENS) REPORTED IN DECEMBER THAT 82

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UNIONIZED WORKERS WERE MURDERED DURING 1998, A SIGNIFICANT DECREASE FROM THE 154 ORGANIZED WORKERS IT REPORTED HAD BEEN MURDERED IN 1997. THE ENS ATTRIBUTED THE DECLINE TO 'INCREASED PACIFICATION OF THE URABA REGION,' WHERE LEFTIST BANANA WORKERS HAVE HISTORICALLY BEEN THE TARGETS OF PARAMILITARY AND GUERRILLA ATTACKS. ENS ALSO REPORTED THAT 28 UNION LEADERS HAD BEEN KILLED DURING THE YEAR."

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	IO-00	LAB-01	L-01	ADS-00	NSAE-00	NSCE-00	OIC-02
	OPIC-01	PRS-00	P-00	SP-00	SS-00	STR-00	TRSE-00
	USIE-00	PRM-01	G-00	NFAT-00	SAS-00		/020W
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193. PARA NINE, RE NOTE: BEGIN PARA WITH "THE 1995 COLLECTIVE WORK CONVENTION SIGNED BETWEEN ECOPETROL AND THE UNION OF SYNDICATED LABOR (USO) EXPIRED IN NOVEMBER 1998. AT YEAR'S END, NO NEW AGREEMENT HAD BEEN REACHED." (RATIONALE: AS OF FEBRUARY 1, 1999, NO AGREEMENT BETWEEN USO AND ECOPETROL HAD BEEN REACHED. GOVERNMENT SOURCES TOLD
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US THE STALEMATE WAS DUE TO USO'S INSISTENCE ON A ROLE IN REVIEWING AND SETTING GOVERNMENT OIL POLICIES, WHICH THE GOVERNMENT HAS REJECTED. THEREFORE, POST SUGGESTS EITHER

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DELETING THIS PARA OR MODIFYING IT TO REFLECT THE CURRENT
STALEMATE.

B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

=====

194. SECOND PARA, IN RESPONSE TO NOTE, THE NUMBER OF
INSPECTORS IS 260.

C. PROHIBITION OF FORCED OR COMPULSORY LABOR

195. FIRST PARA, IN RESPONSE TO NOTE, ADD "ALTHOUGH THERE
WERE NO KNOWN INSTANCES OF FORCED CHILD LABOR IN THE FORMAL
ECONOMY, SOME CHILDREN WERE FORCED TO SERVE AS GUERRILLA OR
(LESS FREQUENTLY) PARAMILITARY COMBATANTS, OR TO WORK AS
PROSTITUTES OR COCA-PICKERS."

KAMMAN
KAMMAN

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